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# State of Connecticut.

Secretary's Office.

*Hartford.* December 2, 1898. *AD*

Francis N. Thorpe, Esq.,

Mt. Holly, N. J.

Dear Sir:-

Your letter to Dr. Hoadly, in reference to votes on constitutional amendment has been referred to this office for reply. The only vote we can find referring to the subject was taken on the first Monday of October, 1876. The amendment was as follows:-

" That Article 3 of the amendments to the Constitution be amended by erasing the word "white" from the first line. The vote was as follows,-In favor of- 29954, against 2242.

Very truly yours,

Charles Phelps, Secretary.

By- *Ames*









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# JOURNAL

OF

## THE CONSTITUTIONAL CONVENTION

## OF CONNECTICUT,

### HELD AT HARTFORD, IN 1818.

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Printed by Order of the Legislature.

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HARTFORD:

CASE, LOCKWOOD & BRAINARD, PRINTERS.

1873.



1000 copies printed.  
S. V.

**JOURNAL OF THE PROCEEDINGS**

**OF THE**

**CONVENTION OF DELEGATES,**

**Convened at Hartford, August 26th, 1818,**

**FOR THE PURPOSE OF FORMING**

**A CONSTITUTION OF CIVIL GOVERNMENT**

**FOR THE**

**PEOPLE OF THE STATE OF CONNECTICUT.**

---

Printed by Order of the General Assembly.

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**HARTFORD:**  
**CASE, LOCKWOOD & BRAINARD, PRINTERS.**  
**1873.**

GENERAL ASSEMBLY,

May Session, 1873.

*Resolved by this Assembly:*

That the State Librarian be directed to publish one thousand copies of the Journal of the Convention which framed the Constitution of this State in the year 1818, for the use of the General Assembly.

## NOTE.

The Journal of the Convention, which, in 1818, framed the Constitution of Connecticut, was never engrossed, but remains as it was written from day to day. It is contained in two paper books of unequal size, the first embracing the proceedings to September 9th, inclusive, and the other the remainder; and each of these books is certified by the Clerks of the Convention.

There is annexed to the Journal a list of Delegates, with their votes on several questions, taken by yeas and nays; as also printed copies of the Reports of the Committee of Twenty-four appointed to draft a Constitution. It has not been thought necessary to reproduce the alterations of these drafts made by the Convention, indicated by pen-marks on the printed reports, because they will appear from the Journal, and by a comparison of the drafts with the Constitution as adopted.

A report of the Debates in the Convention may be found in the newspapers of the period printed in Hartford.

To the Journal as now published is prefixed the Resolve of the General Assembly by which the Convention was called; and there is added the Constitution as adopted, the Votes upon its Ratification, and the proceedings of the Legislature, with the Proclamation of the Governor thereupon.

STATE LIBRARY,  
*Hartford, June 2d, 1873.*

C. J. H.





## RESOLVE CALLING A CONSTITUTIONAL CONVENTION.

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*At a General Assembly of the State of Connecticut, holden at Hartford in said State, on the second Thursday of May in the year of our Lord one thousand eight hundred and eighteen :*

*Resolved by this Assembly,* That it be, and it is hereby recommended to the people of this state, who are qualified to vote in town or freemen's meetings, to assemble in their respective towns on the fourth day of July next at nine o'clock in the morning, at their usual place of holding town or freemen's meetings, and after having chosen their presiding officer, then and there to elect, by ballot, as many delegates as said towns now choose representatives to the General Assembly, who shall meet in convention at the state-house in Hartford, on the fourth Wednesday of August next; and when so convened, shall, if it be by them deemed expedient, proceed to the formation of a constitution of civil government for the people of this state; a copy of which constitution, when so formed, shall be by said convention forthwith transmitted to each town clerk in this state, to be by him submitted to the qualified voters in the town to which he belongs, assembled at such time as said convention may designate, which time shall not be less than one week, nor more than three weeks from the rising of said convention, for their approbation and ratification: and said constitution, when ratified and approved by such majority of said qualified voters convened as aforesaid as shall be directed by said convention, shall be and remain the supreme law of this state.

*And be it further Resolved,* That it shall be the duty of the selectmen in the several towns aforesaid to give legal notice of the time, place, and object of holding town meetings as aforesaid, whether for the election of delegates, or for the ratification of the constitution; and the votes in the meetings for the choice of delegates shall be

counted, and certificates of election shall be supplied to said delegates in the same manner as is now practised in the election of representatives to the General Assembly. And the presiding officer chosen by said meetings for ratifying the constitution as aforesaid, shall, as soon as may be, transmit by the representatives of their respective towns, to the General Assembly next after such meetings are held, a certified statement of the number of votes given in said towns on the question of ratifying said constitution, both affirmative and negative, and a like statement said presiding officer shall also lodge with the town clerks of their respective towns, which votes shall be returned to said assembly and counted in the same manner, as is by law provided for returning and counting the votes for governor of this state.

*And be it further Resolved,* That two-thirds of the whole number of delegates so elected shall form a quorum, and said convention shall choose a president and clerk; and the clerk of said convention having been sworn to a faithful discharge of the duties of his office, shall proceed to administer to the president and members thereof the following oath or affirmation, viz :

“You being chosen delegates to this convention for the purpose, if need be, of framing and devising a constitution of civil government for the people of the State of Connecticut, do solemnly swear (or affirm) that you will faithfully discharge the trust confided to you.”

And said delegates shall be allowed the same fees for travel and attendance on said convention, as is now by law allowed to the representatives to the General Assembly.

*Be it further Resolved,* That all such persons as are, or may, at the time of either of said meetings, be qualified by law, and duly certified as such by the lawful board for said purpose, to be made freemen of this state, may then and there be admitted and sworn, and shall be authorized to act as such in the business of said meetings.

# JOURNAL.

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STATE OF CONNECTICUT, ss.

HARTFORD, AUGUST 26<sup>TH</sup>, A. D. 1818.

This day by virtue of a Resolve of the Honourable General Assembly of this State, passed in May, A. D. 1818, a Convention of Delegates was formed, consisting of the following members, that is to say :

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HARTFORD, Sylvester Wells, Nathaniel Terry.  
*Berlin*, Samuel Hart, Samuel Norton.  
*Bristol*, Bryan Hooker.  
*Burlington*, Bliss Hart.  
*Canton*, Solomon Everest.  
*East Hartford*, Richard Pitkin, Samuel Pitkin.  
*East Windsor*, Charles Jenks, Abner Reed.  
*Enfield*, Henry Terry, William Dixon.  
*Farmington*, Timothy Pitkin, John Treadwell.  
*Glastenbury*, Samuel Wells, David E. Hubbard.  
*Granby*, Sadoce Wilcox, Reuben Barker.  
*Hartland*, Aaron Church, John Treat.  
*Marlborough*, Elisha Buell.  
*Simsbury*, Elisha Phelps, Jonathan Pettibone, jr.  
*Southington*, Roger Whittlesey, Chester Grannis.  
*Suffield*, Christopher Jones, Asahel Morse.  
*Weathersfield*, Stephen Mix Mitchell, Levi Lusk.

18 *Windsor*, Eliakim Marshall, Josiah Phelps.

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- NEW HAVEN, William Bristol, Nathan Smith.  
*Cheshire*, Andrew Hull, Charles Shelton.  
*Branford*, Eli Fowler, Jonathan Rose.  
*Derby*, Joseph Riggs.  
*East Haven*, Bela Farnham.  
*Guilford*, Nathaniel Griffing, William Todd.  
*Hamden*, Russell Pierpont.  
*Meriden*, Patrick Clark.  
*Middlebury*, Aaron Benedict.  
*Milford*, Benjamin Bull, Samuel B. Gunn.  
*North Haven*, Daniel Pierpont.  
*Oxford*, David Tomlinson.  
*Southbury*, Shadrach Osborn.  
*Wallingford*, John Andrews, William Marks.  
*Waterbury*, Timon Miles, Andrew Adams.  
*Woodbridge*, Justus Thomas, Chauncey Tolls.  
 17 *Wolcott*, Ambrose Ives. 25

- NEW LONDON, Christopher Manwaring, Amasa Larned.  
*Norwich*, John Turner, James Lanman, *elected Clerk*.  
*Bozrah*, Roswell Fox.  
*Colchester*, David Deming, John Isham, jr.  
*Franklin*, Joshua Hyde.  
*Griswold*, Elisha I. Abel.  
*Groton*, John Daboll, William Williams.  
*Lisbon*, Daniel Braman.  
*Lyne*, Moses Warren, Ebenezer Brockway.  
*Montville*, Oliver Comstock.  
*North Stonington*, Chester Smith, William Randall, jun.  
*Preston*, Denison Palmer, Nathaniel Kimball.  
*Stonington*, William Randall, Amos Gallup.  
 14 *Waterford*, Charles Avery. 22

FAIRFIELD, David Hill, Gideon Tomlinson.  
*Danbury*, Friend Starr, William Cook.  
*Brookfield*, Noah A. Lacey.  
*Greenwich*, Clark Sanford, Enos Lockwood.  
*Huntington*, Timothy S. Wells, William Shelton.  
*New Canaan*, Nathan Seeley.  
*New Fairfield*, Samuel T. Barnum.

*Newtown*, Gideon Botsford, James B. Fairman.

*Norwalk*, Moses Gregory, John Eversley.

*Redding*, Samuel Whiting, Lemuel' Sanford.

*Ridgefield*, Joshua King, Abner Gilbert, jun.

*Sherman*, Jedediah Graves.

*Stamford*, James Stevens, John Weed, jun.

*Stratford*, Pierpont Edwards, Robert Fairchild.

*Trumbull*, Lewis Burton.

*Weston*, Abel Gregory, Isaac Bennett.

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17 *Wilton*, Erastus Sturges.

*WINDHAM*, Peter Webb, Zacheus Waldo.

*Ashford*, Josias Byles, William Perkins.

*Brooklyn*, Roger W. Williams.

*Canterbury*, Luther Payne, Daniel Frost.

*Columbia*, Silas Fuller.

*Hampton*, Ebenezer Griffin.

*Killingly*, Luther Warren, Ezra Hutchins.

*Lebanon*, Stephen D. Tilden, Thomas Babcock.

*Minsfield*, Edmund Freeman, Artemas Gurley.

*Plainfield*, Elias Woodward, John Dunlap.

*Pomfret*, Darius Matthewson, Lemuel Ingalls.

*Sterling*, Dixon Hall.

*Thompson*, George Larned, Jonathan Nichols, jun.

*Voluntown*, Daniel Keigwin.

15 *Woodstock*, John McClellan, Elias Childs 2d.

25

*LITCHFIELD*, Oliver Wolcott, *elected President*; John Welch.

*Barkhamsted*, Samuel Hayden, Oliver Mills.

*Bethlem*, Nehemiah Lambert.

*Canaan*, William M. Burrall, William Douglas.

*Colebrook*, Grove Pinney, Arah Phelps.

*Cornwall*, Philo Swift, Oliver Burnham.

*Goshen*, Adino Hale, Theodore North.

*Harwinton*, James Brace, Uriah Hopkins.

*Kent*, Lewis St. John.

*New Hartford*, Aaron Austin, Jonathan Marsh.

*New Milford*, Orange Merwin, Jehiel Williams.

*Norfolk*, Augustus Pettibone, Joseph Battell.

*Plymouth*, Calvin Butler.

*Roxbury*, John Trowbridge.

- Salisbury*, Daniel Johnson, Samuel Church.  
*Sharon*, Cyrus Swan, Samuel E. Everett.  
*Torrington*, Abel Hinsdale, William Battell.  
*Warren*, John Tallmadge.  
*Washington*, Hermanus Marshall, Ensign Bushnell.  
*Watertown*, Amos Baldwin.  
*Winchester*, Levi Platt, Joseph Miller.  
 22 *Woodbury*, Nathaniel Perry, Daniel Bacon. 38

- MIDDLETOWN, Alexander Wolcott, Joshua Stow.  
*Chatham*, Enoch Sage, Benjamin Hurd.  
*Durham*, Thomas Lyman, Lemuel Guernsey.  
*Haddam*, Ezra Brainard, Jonathan Huntington.  
*East Haddam*, Solomon Blakeslee, William Hungerford.  
*Killingworth*, George Elliot, Dan Lane.  
 7 *Saybrook*, Clark Nott, Elisha Sill. 14

- TOLLAND, Ashbel Chapman, Eliphalet Young.  
*Bolton*, Saul Alvord, jun.  
*Coventry*, Jesse Root, Elisha Edgerton.  
*Ellington*, Asa Willey.  
*Hebron*, Daniel Burrows, John S. Peters.  
*Somers*, Benjamin Phelps, Giles Pease.  
*Stafford*, Ephraim Hyde, Nathan Johnson.  
*Union*, Ingoldsby W. Crawford, Robert Paul.  
*Vernon*, Phineas Talcott.  
 10 *Willington*, Jonathan Sibley, Spafford Brigham. 17

### WEDNESDAY, AUGUST 26th.

More than two-thirds of the Delegates chosen in the State having appeared in the State-House about ten o'clock A. M. this day, the Convention was called to order by the Honorable Jesse Root, he being the oldest Delegate present.

The Convention were requested to bring in their votes for a Clerk of their body. They chose James Lanman, a Delegate from the town of Norwich, to be the Clerk of the Convention, who was sworn accordingly.

The Convention then elected His Excellency Oliver Wolcott, Esq., a Delegate from the town of Litchfield, to be President of the Convention. He accordingly took the chair.

The qualifications of the members were then exhibited and examined, and the oath or affirmation, agreeably to said Resolve of Assembly, was duly administered by the Clerk of the Convention.

The Convention being organized, prayers were offered up by the Reverend Doctor Abel Flint; and a resolve passed, requesting the attendance of the several clergymen of Hartford to attend and offer prayers as Chaplains to the Convention, at the opening of the session on each day during its continuance.

Messrs. Nathaniel Terry, James Stevens, Timothy Pitkin, Stephen Mix Mitchell, and Amasa Larned, were appointed a committee to frame a system of Rules for the order and government of the Convention during its session.

The Sheriff of Hartford County was appointed as Officer of the Convention, to attend during the session, and directed to have two constables to be in waiting, to execute the orders of the Convention.

Adjourned to meet at three o'clock P. M. this day.

Met according to adjournment. Some members appeared, were qualified and took their seats.

The committee who were appointed to frame rules of proceeding, made their report in part:—That the Rules of the House of Representatives in the General Assembly of this State be adopted as a temporary system, (until other provision should be made,) so far as said rules were applicable to this Convention.—Which report was accepted.

On motion of Mr. Stevens.

*Resolved*, That this Convention do deem it expedient to proceed at this time to form a Constitution of Civil Government for the people of this State.

Passed in the affirmative.

And the Convention adjourned until to-morrow morning at 9 o'clock.

THURSDAY, AUGUST 27th.

In Convention: Members appeared, were qualified, and took their seats.

On motion of Mr. Fairchild,

*Resolved*, That a committee be appointed, by ballot, to draft a Constitution, and report the same to this Convention: to consist of three members from each county.

Passed in the affirmative.

*Voted*, That there be a recess of one hour: which was had. The Convention then met, and proceeded to choose said committee.

The following gentlemen were chosen:

*For the County of Hartford*, Messrs. Sylvester Wells,  
Timothy Pitkin, *and*  
Elisha Phelps.

*For the County of New Haven*, Messrs. Wm. Bristol,  
Nathan Smith, *and*  
Wm. Todd.

*For the County of New London*, Messrs. Moses Warren,  
Amasa Larned, *and*  
James Lanman.

*For the County of Fairfield*, Messrs. Pierpont Edwards,  
James Stevens, *and*  
Gideon Tomlinson.

*For the County of Windham*, Messrs. Peter Webb,  
George Larned, *and*  
Edmund Freeman.

*For the County of Litchfield*, Messrs. John Welch,  
Augustus Pettibone,  
Orange Merwin.

*For the County of Middlesex*, Messrs. Joshua Stow,  
Wm. Hungerford, *and*  
Thomas Lyman.

*For the County of Tolland*, Messrs. Daniel Burrows,  
Asa Willey, *and*  
John S. Peters.

And the Convention adjourned until to-morrow morning at 9 o'clock.



FRIDAY, AUGUST 28th.

On motion : *Resolved*, That an Assistant Clerk be appointed.

The members were requested by the President to bring in their votes for an Assistant Clerk, and Robert Fairchild, a Delegate from the town of Stratford, was chosen : who was duly sworn accordingly.

The committee appointed to frame rules and orders for the Convention, by their chairman Mr. N. Terry, reported a resolution, which was amended and the 19th rule added, on motion of Mr. A. Wolcott. The resolution was then adopted.

And the Convention adjourned until this afternoon at 2 o'clock.

A motion was made by Mr. Treadwell, to reconsider the vote of the Convention adopting the 19th rule, and was determined in the negative.

The resolution reported by the committee appointed to frame rules, &c., and amended as aforesaid, is in the following words :

*Resolved*, That the following Rules and Orders be adopted as the Rules and Orders of the Convention :

1. The President shall take the chair every day, at the hour to which the Convention shall have adjourned, and, after prayers and roll-call, shall immediately call the Convention to order, and, if a quorum be present, proceed to business.

2. In the absence of a quorum the President may adjourn the Convention to the afternoon, or to the next sitting day. At all other times during the session an adjournment shall be pronounced by the President, on motion, no objection being made : but if an adjournment be objected to, the question shall be decided by the Convention, without debate.

3. The President shall preserve decorum and order, and shall decide questions of order without debate, subject to an appeal to the Convention. He shall rise to put a question, but may state it sitting. The question first moved and seconded shall be first put ; and in all cases the sense of the Convention shall be first taken upon the largest number or sum, and longest time, proposed in any question.

4. In all cases when a vote is taken without a division, the President shall determine, whether *it is*, or *is not* a vote; and in all doubtful cases, he shall ask, "*Is it doubted?*" If the vote be disputed, it shall be tried again: but after the President has declared the vote, it shall not be recalled, unless by a regular motion for reconsideration, made by a member in the vote of the Convention.

5. If the President doubt a vote, or a division be called by a member, the question shall be again put, and those voting in the affirmative shall first rise from their seats. If the President still doubts, or a count be required, the President, or, if he so direct, the clerk, shall count them while standing, and, if required by a member, those of a contrary mind shall rise and be counted.

6. The yeas and nays shall be taken on any question, when moved for and seconded, if supported by one-fourth of the Convention.

7. In all cases of balloting, the President shall vote: in other cases he shall not vote, unless the Convention be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

8. When the Convention adjourns, the members shall keep their seats until the President and Clerk, if they please, go out: Then the members may follow.

9. When any member is about to speak in debate, or deliver any matter to the Convention, he shall rise and respectfully address "Mr. President." If two or more rise at once, the President shall name the member who is first to speak.

10. Any member, who has spoken once or oftener upon any question, shall give place to any other member rising to speak, who has not spoken so often upon that question.

11. The President may appoint any member to preside in his stead, for any time not exceeding one day at a time; and he may, during the time of such member's presiding, debate and vote on the floor of the house, like other members. And the member, thus appointed to preside, shall have and may exercise all the powers of President during the time of his presiding.

12. No debate shall be allowed after a question is put and remains undecided. Whilst the President is putting any question or addressing the Convention, no member shall walk out of, or across the room: nor either in such case, nor when the roll is calling, or anything is in public reading before the Convention, or when a member is speaking, shall entertain any private discourse; nor when any member is speaking, shall pass between him and the chair.

13. When a motion is made and seconded, it shall be stated to the Convention by the President before any debate be had thereon: but every motion shall be reduced to writing, if the President so direct, or any member desire it.

14. When a question is under debate, no motion shall be received unless to amend, to commit, to postpone, for the previous question, to lie on the table, for the orders of the day, or to adjourn; nor either of these after the question is put. But a motion to adjourn shall supersede every other motion, and shall be decided without debate.

15. When a motion is stated by the President, or read by the Clerk, it shall be in possession of the Convention, but may be withdrawn at any time before decision or amendment, but not after amendment, unless the Convention give leave.

16. All committees shall be appointed by the President, unless otherwise specially directed by the Convention.

17. If any member, in speaking or otherwise, transgress the rules or orders of the Convention, the President *shall*, or any member *may* call to order, and if speaking, he shall sit down, unless permitted to explain; and the President shall then decide the question of order: but the party may appeal from the decision of the President, to the Convention, who shall decide thereon without debate.

18. The Clerk shall keep a Journal of the proceedings of the Convention, in which shall be entered all the votes that shall be taken in the Convention, and the yeas and nays when taken, and all other things proper to be entered in such a journal; and every morning, immediately after roll-call, the journal of the preceding day shall be read, and all necessary corrections of the same be made.

19. A majority of the Convention shall constitute a quorum.

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The Committee appointed to draft a Constitution, by their chairman, Mr. Edwards, reported in part, submitting to the consideration of the Convention a *Preamble* and *Bill of Rights*.

On motion of Mr. A. Wolcott :

*Ordered*, That 600 copies of said report be printed for the use of the members.

And the Convention adjourned until to-morrow morning, at 9 o'clock.

#### SATURDAY, AUGUST 29TH.

The Journal of yesterday's proceedings was read.

On motion of Mr. Treadwell :

*Resolved*, That the time to which the Convention shall be adjourned, be next Monday afternoon, at 2 o'clock.

The printed copies of the Report of the General Committee, (one of which is hereto annexed,) submitting a Preamble and Bill of Rights, as aforesaid, were distributed to the members.

And the Convention adjourned until Monday afternoon, at 2 o'clock.

#### MONDAY, AUGUST 31st.

The Journal was read, containing the proceedings of the Convention from the commencement of the session to this time.

On motion of Mr. Samuel Hart, to take into consideration this afternoon the Preamble and Bill of Rights reported by the committee on Friday last : on a suggestion that the committee was absent, engaged in preparing a further report, it was determined in the negative.

And the Convention adjourned until to-morrow morning at 9 o'clock.

TUESDAY, SEPTEMBER 1st.

The Journal of yesterday's proceedings was read.

The Bill of Rights was considered, and the general principles discussed.

The committee appointed to draft a Constitution and submit it to the Convention, made a further report, comprehending the Legislative and Executive Departments, which was read, and, on motion of Mr. Treadwell,

*Ordered*, That 600 copies thereof be printed, for the use of the members.

On motion of Mr. McClellan, the Convention proceeded to consider by sections the Preamble and Bill of Rights reported by the committee.

The Preamble was first read and approved.

The eleven first sections were then read, and, (with the exception of the 5th section, which was postponed,) approved, after various amendments.

As amended and approved, the Preamble and the sections aforesaid are as follows, to wit :—

#### PREAMBLE.

The people of Connecticut, acknowledging with gratitude the good providence of God, in having permitted them to enjoy a free government, do, in order more effectually to define, secure and perpetuate the liberties, rights and privileges which they have derived from their ancestors, hereby, after a careful consideration and revision, ordain and establish the following Constitution and form of civil government.

#### ARTICLE I.

##### *Declaration of Rights.*

That the great and essential principles of liberty and free government may be recognized and established—

We declare,

SEC. 1. That all men when they form a social compact are

equal in rights ; and that no man or set of men are entitled to exclusive public emoluments or privileges from the community.

SEC. 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit, and that they have at all times an undeniable and indefeasable right to alter their form of government in such manner as they may think expedient.

SEC. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this State ; provided that the right hereby declared and established shall not be so construed as to excuse acts of licentiousness or to justify practices inconsistent with the peace and safety of the State.

SEC. 4. No preference shall be given by law to any Christian sect or mode of worship.

SEC. 5. (Was postponed, on motion of Mr. Treadwell.)

SEC. 6. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 7. No law shall ever be passed to curtail or restrain the liberty of speech, or of the press.

SEC. 8. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the Court.

SEC. 9. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches or seizures ; and no warrant to search any place, or to seize any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. In all criminal prosecutions, the accused shall have a right to be heard by himself and counsel ; to demand the nature and cause of the accusation ; to be confronted by the witnesses against him ; to have compulsory process to obtain witnesses in his favor ; and in prosecutions by indictment or information, a speedy, public trial, by an impartial

jury. He shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property, but by due course of law. And no person shall be holden to answer for any crime, the punishment of which may be death or imprisonment for life, unless on a presentment or indictment of a grand jury, except in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger.

SEC. 11. No person shall be arrested, detained or punished, except in cases clearly warranted by law.

And the Convention adjourned until to-morrow morning at 9 o'clock.

#### WEDNESDAY, SEPTEMBER 2d.

The Journal was read, containing the proceedings of yesterday.

Two letters were communicated to the Convention through the President, from Messrs. H. C. Flagg, and S. Converse, requesting to be admitted upon the floor of the House for the purpose of taking sketches of the proceedings and debates; and, on motion of Mr. McClellan, it was resolved that they be admitted; and they were admitted accordingly.

The Convention proceeded to consider by sections the remaining part of the Bill of Rights, reported by their committee, being the twelve last sections, which were read in order, and various amendments were proposed and adopted, and the 22d section was expunged. The rest were approved as amended, and are in the following words, viz:

SEC. 12. The property of no person shall be taken for public use without just compensation therefor.

SEC. 13. All courts shall be open, and every person for an injury done him in his person, property or reputation, shall have remedy, by due course of law, and right and justice administered without sale, denial or delay.

SEC. 14. Excessive bail shall not be required, nor excessive fines imposed.

SEC. 15. All prisoners shall, before conviction, be bailable

by sufficient sureties, except for capital offences, where the proof is evident, or the presumption great ; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it ; nor, in any case, but by the legislature.

SEC. 16. No person shall be attainted of treason or felony by the legislature.

SEC. 17. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address or remonstrance.

SEC. 18. Every citizen has a right to bear arms in defence of himself and the State.

SEC. 19. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 20. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner ; nor in time of war, but in a manner to be prescribed by law.

SEC. 21. No hereditary emoluments, privileges or honors, shall ever be granted or conferred in this State.

SEC. 22. The right of trial by jury shall remain inviolate.

A 23d Section was proposed by Mr. Mitchell, concerning a reservation to the people of all rights not delegated by the Convention, &c., and, on motion of Mr. Pitkin, it was ordered to lie on the table.

Mr. Treadwell offered two sections to be inserted in the Constitution, the object of one of which is, to prevent any person concerned in a duel from holding any office, and to deprive him of the right of voting for public officers ; and the object of the other is, to define the qualifications of electors hereafter to be admitted, and to provide that they should possess such qualifications at the time of voting, or not be entitled to vote ; both which were ordered to lie on the table.

The Second Report of the Committee was taken up, relating to the *Distribution of Powers*, and to the *Legislative and Executive Departments*, and the Convention proceeded to consider the same by sections.



The printed copies of said Report were distributed to the members, one of which is hereto annexed.

The Convention decided to consider the sections separately in order, without taking any vote upon them at this time of reading, except on such amendments as should be offered.

Sundry amendments were offered: but before any vote was taken on them, they were ordered to lie on the table, except one amendment, striking out the words "*of State*" in the first line of the 6th section of the Third Article, and in other places where "*of State*" was used after "*Secretary*."

The Convention proceeded accordingly through the *Second* and *Third Articles*, comprehending the *Distribution of Powers* and the *Legislative Department*.

And adjourned until to-morrow morning at 9 o'clock.

THURSDAY, SEPTEMBER 3d.

The Journal of yesterday's proceedings was read.

The Convention proceeded to consider the Fourth Article reported by their committee, relating to the *Executive Department*, by sections, in the manner agreed upon yesterday.

Printed copies of the Second Report of the Committee were again distributed to the members.

The Committee made a Third Report to the Convention, containing the Fifth and Sixth Articles, relating to the *Judicial Department* and *The Qualifications of Electors*, which was read, and 600 copies ordered to be printed for the use of the members; one of which is hereto annexed.

The Convention again proceeded to consider by sections the Fourth Article reported by the Committee, relating to the *Executive Department*. Sundry amendments were offered and adopted. The only amendment affecting any material principle contained in the report, related to the power of *pardonning offences*, and *remitting fines and penalties*, and the words vesting that power in the Governor were expunged, on motion of Mr. Lanman.

On motion of Mr. Treadwell,

*Resolved*: That the consideration of the 1st section of the Second Article, relating to the *Distribution of Powers*, be made the order of the day for to-morrow.

And the Convention adjourned until to-morrow morning at 9 o'clock.

FRIDAY, SEPTEMBER 4TH.

The Journal of yesterday's proceedings was read.

Printed copies of the Third Report of the Committee, relating to the *Judicial Department*, and to the *Qualifications of Electors*, were distributed to the members.

The Convention proceeded to the order of the day, being the consideration of the Second Article, relating to the *Distribution of Powers*, and after an amendment, merely correcting the phraseology, the Second Article was approved.

The Third Article, relating to the *Legislative Department*, was then read and considered by sections, and after an amendment, varying the style only, was approved.

On motion of Mr. Treadwell, to strike out the words "*one stated session of the General Assembly to be holden in each year alternately at Hartford and New Haven, on the first Wednesday of May,*" and insert in lieu thereof the words: "*two stated sessions of the General Assembly, to be holden in each year alternately at Hartford and New Haven, on the second Thursday of May and October,*" it was determined in the affirmative.

The question was then taken on the section as amended, and was determined in the affirmative by yeas and nays, which were as follows, viz :

*For the motion :*

MESSRS. N. Terry,  
Hooker,  
Everest,  
R. Pitkin,  
S. Pitkin,  
Jenks,  
Reed,  
H. Terry,  
Dixon,  
T. Pitkin,  
Treadwell,  
A. Church,  
Treat,

Buell,  
Whittlesey,  
Graunis,  
Mitchell,  
Lusk,  
Fowler,  
Rose,  
Riggs,  
Farnham,  
Griffing,  
Todd,  
Benedict,  
Bull,

Gunn,  
Thomas,  
Tolls,  
Deming,  
Isham,  
Abel,  
Daboll,  
Williams,  
Braman,  
Brockway,  
Gallup,  
C. Sanford,  
Seeley,

Whiting,	McClellan,	W. Battell,
L. Sanford,	Childs,	Tallmadge,
Weed,	Hayden,	Baldwin,
Fairchild,	Mills,	Platt,
Burton,	Lambert,	Miller,
Bennett,	Swift,	Brainerd,
Sturges,	Burnham,	Huntington,
Perkins,	Hale,	Hungerford,
R. W. Williams,	North,	Elliot,
Payne,	Brace,	Laue,
Frost,	Hopkins,	Nott,
Fuller,	Austin,	Sill,
Griffin,	Marsh,	Alvord,
L. Warren,	A. Pettibone,	Root,
Hutchins,	J. Battell,	Edgerton,
Matthewson,	Butler,	B. Phelps,
Ingalls,	Swan,	Pease,
G. Larned,	Everett,	Crawford,
Nichols,	Hinsdale,	Talcott.—96.

*Against the motion:*

Messrs. Sylvester Wells,	Turner,	A. Gregory,
Norton,	Lanman,	Webb,
Samuel Wells,	Fox,	Waldo,
Hubbard,	Hyde,	Byles,
Wilcox,	C. Smith,	Tilden,
Barker,	Wm. Randall, Jr.,	Babcock,
Elisha Phelps,	Palmer,	Freeman,
J. Pettibone,	Kimball,	Gurley,
Jones,	Wm. Randall,	Woodward,
Morse,	Avery,	Dunlap,
E. Marshall,	Hill,	Hall,
J. Phelps,	G. Tomlinson,	Keigwin,
N. Smith,	Starr,	Welch,
Hull,	Cook,	Burrall,
C. Shelton,	Lacey,	Douglas,
R. Pierpont,	Lockwood,	Pinney,
Clark,	T. S. Wells,	St. John,
D. Pierpont,	W. Shelton,	Merwin,
D. Tomlinson,	Barnum,	Williams,
Osborn,	Botsford,	Trowbridge,
Andrews,	Fairman,	D. Johnson,
Marks,	Eversley,	S. Church,
Miles,	King,	H. Marshall,
Adams,	Gilbert,	Bushnell,
Ives,	Graves,	Perry,
Manwaring,	Stevens,	Bacon,
A. Larned,	Edwards,	A. Wolcott,

Stow,  
Sage,  
Hurd,  
Lyman,  
Guernsey,  
Chapman,

Young,  
Willey,  
Burrows,  
Peters,  
Hyde,  
N. Johnson,

Paul,  
Sibley,  
Brigham—  
96 days.

And the motion was carried, by the casting vote of the President, in the affirmative.

On motion of Mr. Fairchild, to strike out of the 3d section of the Third Article the words "The number of Representatives from each town shall be the same as at present allowed and practised," and to insert in lieu thereof the words: "Each town containing 4,000 persons, or more, shall be entitled to two Representatives, and each town containing a lesser number shall be entitled to one Representative, and no more; the population to be ascertained by the census of the United States which shall have been taken next preceding any election."

And it was determined in the negative.

A motion was then made by the same member, to amend the proposed amendment, by inserting 2,500 instead of 4,000, and was determined in the negative.

A further motion was made by the same member, to insert in the proposed amendment 2,000 instead of 2,500, and was determined in the negative.

The Committee made a Fourth Report to the Convention, containing the 7th, 8th, 9th, 10th and 11th Articles, relating to *Religion, Education, Impeachments, General Provisions, and Amendments to the Constitution*; which was read, and 600 copies ordered to be printed, one of which is annexed.

On motion of Mr. A. Wolcott, to amend the 3d section by striking out the last clause, which was in these words, "but the General Assembly may reduce the number, provided that there shall be always at least one Representative from each town." It was determined in the affirmative.

On the question to pass the 3d section as amended, it was determined in the affirmative : the question being, by order of the Convention, taken by yeas and nays, [which] were as follows :

*For the motion,*

Messrs. Hooker,	Williams,	Burnham,
R. Pitkin,	Braman,	Hale,
S. Pitkin,	C. Smith,	North,
Jenks,	W. Randall, jun.,	Brace,
Reed,	Palmer,	Hopkins,
T. Pitkin,	Kimball,	Austin,
Treadwell,	Gallup,	Marsh,
Wilcox,	Avery,	A. Pettibone,
Barker,	T. S. Wells,	J. Battell,
A Church,	Botsford,	Butler,
Treat,	Whiting,	D. Johnson,
J. Pettibone,	Sanford,	S. Church,
Whittlesey,	King,	Swan,
Grannis,	Edwards,	Everett,
Mitchell,	Burton,	Hinsdale,
J. Phelps,	Bennett,	W. Battell,
N. Smith,	Waldo,	Platt,
Hull,	Perkins,	Miller,
Fowler,	Williams,	Stow,
Rose,	Payne,	Brainerd,
Riggs,	Frost,	Huntington,
Farnham,	Fuller,	Hungerford,
Griffing,	Griffin,	Elliott,
Todd,	L. Warren,	Lane,
R. Pierpont,	Hutchins,	Sill,
Benedict,	Dunlap,	Chapman,
Gunn,	Matthewson,	Alvord,
D. Tomlinson,	Ingalls,	Root,
Osborn,	G. Larned,	Edgerton,
Marks,	Nichols,	Peters,
Miles,	McClellan,	B. Phelps,
Thomas,	Hayden,	Pease,
Tolls,	Mills,	Hyde,
Manwaring,	Lambert,	N. Johnson,
A. Larned,	Douglas,	Hall,
Turner,	Pinney,	Talcott,
Lanman,	Swift,	Brigham.
Hyde,		112 yeas.

*Against the motion :*

Messrs. Sylvester Wells,	Hart,	H. Terry,
N. Terry,	Norton,	Dixon,

Sam'l Wells,	Cook,	Hall,
Buell,	Lacey,	Keigwin,
E. Phelps,	Sanford,	Childs,
Jones,	Lockwood,	Burrall,
Morse,	W. Shelton,	Merwin,
Lusk,	Seeley,	Williams,
Marshall,	Barnum,	Trowbridge,
Clark,	Fairman,	Tallmadge,
Pierpont,	Eversley,	Marshall,
Andrews,	Gilbert,	Bushnell,
Adams,	Graves,	Perry,
Fox,	Weed,	Bacon,
Deming,	Fairchild,	A. Wolcott,
Isham,	Gregory,	Sage,
Abel,	Sturges,	Lyman,
Daboll,	Webb,	Guernsey,
M. Warren,	Byles,	Nott,
Brockway,	Tilden,	Young,
W. Randall,	Babcock,	Willey,
Hill,	Freeman,	Burrows,
G. Tomlinson,	Gurley,	Crawford,
Starr,	Woodward,	Sibley.

72 days.

On motion of Mr. Jenks, to insert a section in these words :

“No clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil office in this State, or of being a member of either branch of the Legislature, while he continues in the exercise of the pastoral or clerical functions.”

*Ordered,* That it lie on the table.

And the Convention adjourned until to-morrow morning, at 9 o'clock.

#### SATURDAY, SEPTEMBER 5th.

The Journal of yesterday's proceedings was read and corrected.

Mr. A. Church made [a] motion to add a new clause to the 3d section of the Third Article, to exclude persons of certain professions from being eligible to a seat in either branch of the Legislature, or any office under the same ; which was rejected, it being out of order, the said 3d section having passed.

Mr. Edwards moved to reconsider the vote, passed yester-

day, approving the 3d section of the Third Article; which was determined in the negative.

On motion of Mr. Butler, that the word "*Freeman*," in the 2d line of the Third Article, be stricken out, and the word "*Electors*" inserted in lieu thereof, and that wherever the word "*freemen*" occurs, the same alteration be made.—It was determined in the affirmative.

On motion of Mr. Pitkin, further to amend the 4th section of the Third Article, by striking out all the words after the word "*Electors*," in the 2d line.—It was determined in the affirmative.

It was moved by Mr. Treadwell, further to amend said section, by striking out all the words after "*consist of*," and inserting in lieu thereof other words, so that the whole section should be read thus :

"The Senate shall consist of the Governor and Lieutenant Governor, for the time being, and twelve senators, to be chosen annually by the electors as is hereinafter directed."

And the Convention adjourned until Monday next, at 2 o'clock, afternoon.

#### MONDAY, SEPTEMBER 7th.

The Journal of Saturday's proceedings was read.

The printed copies of the last Report of the General Committee were distributed to the members; one of which is hereto annexed.

The consideration of Mr. Treadwell's motion, to amend the 4th section of the Third Article, was resumed; the object of which amendment was, to place the Governor at the head of the Senate:—And, on the question being put, it was determined in the negative, by yeas and nays, as follows, viz:—

#### *For the motion,*

Messrs. Hooker,  
B. Hart,  
Everest,  
S. Pitkin,  
Reed,  
T. Pitkin,  
Treadwell,  
A. Church,

Treat,  
Buell,  
Grannis,  
Mitchell,  
Lusk,  
Fowler,  
Rose,  
Riggs,

Farnham,  
Griffing,  
Todd,  
Benedict,  
Bull,  
Gunn,  
Thomas,  
Tolls,

Deming,  
Whiting,  
L. Sanford,  
R. W. Williams,  
Payne,  
Frost,  
Ingalls,  
Hayden,  
Mills,  
Lambert,  
Hale,

Brace,  
Hopkins,  
Austin,  
Marsh,  
Swan,  
Everett,  
A. Hinsdale,  
Wm. Battell,  
Baldwin,  
Miller,  
Brainerd,

Huntington,  
Lane,  
Nott,  
Sill,  
Alvord,  
Root,  
Edgerton,  
B. Phelps,  
Pease,  
Talcott.—56 yeas.

*Against the motion,*

Messrs. Sylv'r Wells,  
Sam'l Hart,  
Norton,  
R. Pitkin,  
Jenks,  
H. Terry,  
Dixon,  
Sam'l Wells,  
Wilcox,  
Barker,  
Elisha Phelps,  
J. Pettibone, jun.,  
Jones,  
E. Marshall,  
Smith,  
H. Shelton,  
R. Pierpont,  
Clark,  
D. Pierpont,  
Osborn,  
Andrews,  
Marks,  
Miles,  
Adams,  
Ives,  
Manwaring,  
Larned,  
Lanman,  
Fox,  
Daboll,  
Wm. Williams,  
Braman,  
M. Warren,  
Brockway,  
Comstock,  
C. Smith,  
Palmer,  
Kimball,

Gallup,  
Avery,  
Hill,  
Starr,  
Cook,  
Lacey,  
Sanford,  
Lockwood,  
T. S. Wells,  
Wm. Shelton,  
Seeley,  
Barnum,  
Botsford,  
Fairman,  
M. Gregory,  
Eversley,  
King,  
Gilbert,  
Stevens,  
Weed,  
Edwards,  
Fairchild,  
Graves,  
Burton,  
A. Gregory,  
Sturges,  
Webb,  
Waldo,  
L. Warren,  
Hutchins,  
Tilden,  
Babcock,  
Freeman,  
Gurley,  
Woodward,  
Dunlap,  
Hall,  
Keigwin,

Welch,  
Burrall,  
Douglas,  
Pinney,  
Burnham,  
North,  
St. John,  
Merwin,  
J. Williams,  
A. Pettibone,  
J. Battell,  
Butler,  
Trowbridge,  
D. Johnson,  
S. Church,  
Marshall,  
Bushnell,  
Tallmadge,  
Platt,  
A. Wolcott,  
Stow,  
Sage,  
Hurd,  
Lyman,  
Guernsey,  
Hungerford,  
Elliot,  
Chapman,  
Young,  
Willey,  
Burrows,  
Peters,  
E. Hyde,  
Johnson,  
Crawford,  
Paul,  
Sibley,  
Brigham. 114 nays.



On motion of Mr. M. Warren, to amend said 4th section, by striking out the words "*twelve members*," and inserting in lieu thereof a provision that *twenty senators* be annually chosen *by districts*, and that the State be divided into *twenty districts* for that purpose: A division of the amendment being ordered, the question was taken on that part of the amendment providing that the Senate consist of *twenty Senators*, and determined in the negative by yeas and nays, as follows, to wit:—

*For the Amendment,*

Messrs. Sylv'r Wells,	Larned,	Webb,
Sam'l Hart,	Lanman,	Freeman,
Norton,	Fox,	Woodward,
R. Pitkin,	Daboll,	Welch,
Jenks,	Wm. Williams,	Merwin,
H. Terry,	M. Warren,	Williams,
Dixon,	Brockway,	Butler,
Sam'l Wells,	C. Smith,	A. Wolcott,
Wilcox,	Palmer,	Stow,
Barker,	Kimball,	Sage,
J. Pettibone,	Avery,	Hurd,
E. Marshall,	Cook,	Chapman,
D. Pierpont,	C. Sanford,	Wiley,
Andrews,	Stevens,	Burrows,
Marks,	Edwards,	Peters,
Manwaring,	Fairchild,	Crawford.
		48 yeas.

*Against the motion,*

Messrs. Hooker,	Riggs,	Hill,
B. Hart,	Farnham,	Starr,
S. Pitkin,	Griffing,	T. S. Wells,
Reed,	R. Pierpont,	Wm. Shelton,
T. Pitkin,	Clark,	Barnum,
Treadwell,	Benedict,	Botsford,
A. Church,	Osborn,	Fairman,
Treat,	Miles,	M. Gregory,
Buell,	Adams,	Eversley,
Elisha Phelps,	Thomas,	Whiting,
Grannis,	Tolls,	Sanford,
Mitchell,	Ives,	J. King,
Lusk,	Deming,	Gilbert,
Fowler,	Isham,	Weed,
Rose,	Braman,	Graves,
Hull,	Comstock,	Burton,
Shelton,	Gallup,	A. Gregory,

Bennett,	Burnham,	Brainerd,
Sturges,	Hale,	Huntington,
Waldo,	North,	Lyman,
R. W. Williams,	Brace,	Guernsey,
Payne,	Hopkins,	Hungerford,
L. Warren,	St. John,	Elliot,
Hutchins,	Austin,	Lane,
Tilden,	Marsh,	Nott,
Babcock,	A. Pettibone,	Sill,
Gurley,	J. Battell,	Young,
Dunlap,	Trowbridge,	Alvord,
Ingalls,	D. Johnson,	Root,
Hall,	S. Church,	Edgerton,
Larned,	Swan,	B. Phelps,
Nichols,	Everett,	Pease,
Keigwin,	A. Hinsdale,	E. Hyde,
Hayden,	W. Battell,	N. Johnson,
Mills,	H. Marshall,	Paul,
Lambert,	Bushnell,	Talcott,
Burrall,	Tallmadge,	Sibley,
Douglas,	Baldwin,	Brigham.
Pinney,	J. Miller,	116 nays.

The next question before the Convention was, on the other branch of the proposed amendment, to wit: Whether the Senators should be chosen by Districts. But, before any decision thereon, the Convention adjourned until to-morrow morning at 8 o'clock.

#### TUESDAY, SEPTEMBER 8th.

The Journal of yesterday's proceedings was read.

Mr. M. Warren obtained leave to withdraw his motion for amendment, last under consideration.

The Convention then resumed the consideration of the 4th section of the Third Article, relating to the *number and manner of choosing* Senators, and,

On motion of Mr. Edwards, to strike out the word "*twelve*" and insert in lieu thereof the word "*sixteen*," and,

On motion of Mr. Fairchild, to insert the number *fourteen* instead of *twelve*,

Both motions were successively determined in the negative.

The question was then taken on the passage of the 4th section as amended, being in these words :

“The Senate shall consist of twelve members, to be chosen annually by the electors.”

And was determined in the affirmative.

The Convention proceeded to consider the 5th and the 6th sections of the Third Article, which were read, and on motion of Mr. Treadwell to amend the same, by striking out both sections, and to insert in lieu thereof several sections, making provision for the meeting of the electors in September, annually, for the purpose of choosing Representatives to the General Assembly and placing twenty men from the body of electors in nomination for Senators, out of which number or nomination the electors should, in the month of May next succeeding, annually, elect twelve Senators:

A division of the amendment was ordered, and the question taken on the first part, providing “that the electors meet in the month of September, annually, and elect their Representatives, &c.,” by yeas and nays, as follows:—

*For the motion,*

Messrs. N. Terry,	Deming,	Austin,
Hooker,	Isham,	Marsh,
B. Hart,	Abel,	A. Pettibone,
S. Pitkin,	Braman,	J. Battell,
Reed,	Whiting,	C. Butler,
H. Terry,	L. Sanford,	Swan,
T. Pitkin,	Burton,	Everett,
Treadwell,	Bennett,	A. Hinsdale,
A. Church,	R. W. Williams,	W. Battell,
Treat,	Payne,	Tallmadge,
Buell,	Frost,	Baldwin,
Whittlesey,	Fuller,	Platt,
Grannis,	Matthewson,	Miller,
Mitchell,	Ingalls,	Brainerd,
Lusk,	Larned,	Huntington,
Fowler,	Nichols,	Hungerford,
Rose,	McClellan,	Elliot,
Riggs,	Childs,	Lane,
Farnham,	Hayden,	Nott,
Griffing,	Mills,	Sill,
Todd,	Lambert,	Alvord,
Benedict,	Swift,	Root,
Bull,	Burnham,	Edgerton,
Gunn,	Hale,	Willey,
Osborn,	North,	B. Phelps,
Thomas,	Brace,	Talcott,
Tolls,	Hopkins,	80 yeas.

*Against the motion:*

Messrs. Sylv'r Wells,	Wm. Randall, jun.,	Braman,
Sam'l Hart,	Palmer,	Gurley,
Norton,	Kimball,	Woodward,
R. Pitkin,	Wm. Randall,	Dunlap,
Dixon,	Gallup,	Hall,
Sam'l Wells,	Avery,	Keigwin,
Hubbard,	Hill,	Welch,
Wilcox,	Tomlinson,	Burrall,
Barker,	Starr,	Douglas,
Elisha Phelps,	Cook,	Pinney,
J. Pettibone, jun.,	Lacey,	A. Phelps,
Jones,	C. Sanford,	St. John,
Marshall,	Lockwood,	Merwin,
Josiah Phelps,	Wm. Shelton,	Williams,
N. Smith,	Seeley,	Trowbridge,
Hull,	Barnum,	D. Johnson,
Shelton,	Botsford,	S. Church,
R. Pierpont,	Fairman,	Marshall,
D. Pierpont,	M. Gregory,	Bushnell,
Andrews,	Eversley,	Wolcott,
Marks,	King,	Stow,
Miles,	Gilbert,	Sage,
Adams,	Stevens,	Hurd,
Ives,	Weed,	Lyman,
Manwaring,	Edwards,	Guernsey,
Larned,	Fairchild,	Chapman,
Lanman,	Graves,	Young,
Fox,	A. Gregory,	Burrows,
J. Hyde,	Sturges,	Peters,
Daboll,	Webb,	E. Hyde,
Wm. Williams,	Waldo,	N. Johnson,
M. Warren,	L. Warren,	Paul,
Brockway,	Hutchins,	Sibley,
Comstock,	Tilden,	Brightam.
C. Smith,	Babcock,	104 nays.

And so the motion was lost.

The Third Article was read through with the amendments, which provided for *two stated sessions* (instead of *one stated session*, as reported by the committee,) and changing the time to the second Thursday, and so forth.

On motion of Mr. Edwards, for the reconsideration of the vote amending the 2d section, varying it so as to provide for *two stated sessions* of the General Assembly annually, instead

of *one stated annual session*, as reported by the committee: It was determined in the affirmative. The amendment was then stricken out, and the section passed as originally reported.

On motion of Mr. Fairehild, further to amend the 4th section, by adding a clause, so that the whole section should be read thus:

“The Senate shall consist of twelve Senators; provided that the General Assembly shall, within two years after the taking of the next census, increase the number of Senators, not exceeding twenty-one, and shall also, within said time, divide the State into such number of senatorial districts, not less than seven, as they may think proper; in each of which districts there shall thereafter be chosen by the electors thereof, such number of Senators as shall be allotted to such district, in a manner to be by law directed.”

It was determined in the negative, by yeas and nays, as follows:—

*For the motion:*

Messrs. Sylv'r Wells,	Lanman,	Fairchild,
Sam'l Hart,	Daboll,	Webb,
Norton,	M. Warren,	Waldo,
R. Pitkin,	Brockway,	Hutchins,
Sam'l Wells,	Wm. Randall, jun.,	Tilden,
Hubbard,	Palmer,	Freeman,
Wilcox,	Kimball,	Gurley,
Barker,	Wm. Randall,	Woodward,
J. Pettibone, jun.,	Avery,	Welch,
Marshall,	G. Tomlinson,	Stow,
C. Shelton,	Cook,	Sage,
R. Pierpont,	Sanford,	Chapman,
D. Pierpont,	T. S. Wells,	Young,
Marks,	Wm. Shelton,	Burrows,
Manwaring,	Stevens,	Peters.—45 yeas.

*Against the motion:*

Messrs. Hooker,	A. Church,	Lusk,
S. Pitkin,	Treat,	N. Smith,
Jenks,	Buell,	Fowler,
Reed,	Whittlesey,	Rose,
H. Terry,	Grannis,	Hull,
Dixon,	Jones,	Riggs,
T. Pitkin,	Morse,	Fariham,
Treadwell,	Mitchell,	Griffing,

Todd,	A. Gregory,	J. Battell,
Benedict,	Bennett,	Butler,
Bull,	Sturges,	Trowbridge,
Gunn,	R. W. Williams,	D. Johnson,
Osborn,	Payne,	S. Church,
Miles,	Frost,	Swan,
Adams,	Fuller,	Everett,
Thomas,	Griffin,	Hinsdale,
Tolls,	L. Waren,	W. Battell,
Ives,	Babcock,	Marshall,
Larned,	Dunlap,	Bushnell,
Fox,	Matthewson,	Tallmadge,
Deming,	Ingalls,	Baldwin,
Isham,	Hall,	Platt,
J. Hyde,	Larned,	Miller,
Abel,	Nichols,	A. Wolcott,
Wm. Williams,	Keigwin,	Brainerd,
Braman,	McClellan,	Huntington,
Comstock,	Childs,	Hurd,
C. Smith,	Hayden,	Lyman,
Gallup,	Mills,	Hungerford,
Hill,	Lambert,	Elliot,
Starr,	Burrall,	Lane,
Lacey,	Douglas,	Nott,
Seeley,	Pinney,	Sill,
Barnum,	A. Phelps,	Alvord,
Botsford,	Swift,	Root,
Fairman,	Burnham,	Edgerton,
M. Gregory,	Hale,	B. Phelps,
Eversley,	North,	Ephraim Hyde,
Whiting,	Brace,	N. Johnson,
Sanford,	Hopkins,	Crawford,
King,	St. John,	Paul,
Gilbert,	Austin,	Talcott,
Weed,	Marsh,	Sibley,
Edwards,	Merwin,	Brigham.
Graves,	Williams,	
Burton,	A. Pettibone,	136 nays.

On motion of Mr. Mitchell, the 1st line of the 11th section was amended, so that, instead of the words "*The doors of each house shall be open,*" it should stand thus: "*The debates of each house shall be public.*"

The Convention after approving the 1st, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th sections of the Third Article, as amended, and restoring the 2d section as it was reported, proceeded to the consideration of the Fourth Article, relating

to the *Executive Department*. The other amendments only changed the phraseology, and are not, therefore, noted on the journal.

The 1st section was read and approved as before amended.

The 2d section was read, and various amendments proposed; and while under consideration, the Convention adjourned until to-morrow morning at 8 o'clock.

#### WEDNESDAY, SEPTEMBER 9th.

The Journal of yesterday's proceedings was read and corrected.

The Convention resumed the consideration of the 2d section of the Fourth Article.

On motion of Mr. Lanman, the whole section was stricken out, and the following substitute adopted, viz :

“ SEC. 2d. At the meetings of the electors in the respective towns in the month of April, in each year, immediately after the election of Senators, the presiding officers shall call upon the electors to present ballots for him whom they would elect to be Governor, with his name fairly written. When such ballots shall have been received, and counted in the presence of the electors, duplicate lists of the persons voted for, and of the number of votes given for each, shall be made and certified by the presiding officer, one of which lists shall be deposited in the office of the town clerk within three days, and the other, within ten days after said election, shall be transmitted to the Secretary, or to the sheriff of the county in which such election shall have been held. The sheriff receiving said votes shall deliver or cause them to be delivered, to the Secretary within fifteen days next after said election. The votes so returned shall be counted by the Treasurer, Secretary and Comptroller, within the month of April. A fair list of the persons and numbers of votes given for each, together with the returns of the presiding officers, shall be by the Treasurer, Secretary and Comptroller, made and laid before the General Assembly then next to be holden, on the first day of the session thereof; and said Assembly shall, after examination of the same, declare the person who has a majority of the votes

returned as aforesaid, to be legally chosen, and give him notice accordingly. If no person shall have a majority of the whole number of said votes, or if two or more persons shall have an equal and the greatest number of said votes, then said Assembly, on the second day of their session, by joint ballot of both Houses, shall proceed, without debate, to choose a Governor from a list of the names of the two persons having the greatest number of votes, or of the names of the persons having an equal and highest number of votes so returned as aforesaid. The General Assembly shall by law prescribe the manner in which all questions concerning the election of a Governor or Lieutenant Governor shall be determined."

The 3d section was read and approved.

On motion of Mr. Gallup, the 4th section was amended by inserting the words "*Senators and Representatives*" after the words "*Lieutenant Governor*," in the 2d line.

The 5th and 6th sections were read, and approved as reported.

The 7th section was read and approved as amended, the words "*of the General Assembly*" having been inserted in the 2d line, after the word "*Houses*."

The 8th and 9th sections were read and approved.

On motion of N. Terry, the 10th section was stricken out, and the following words inserted as a substitute, viz:

"The Governor shall have power to grant reprieves after conviction, in all cases, except those of impeachment, until the end of the next session of the General Assembly, and no longer."

The 11th section was read and approved, as reported.

On motion of Mr. Swan, the 12th section was amended by striking out the first clause and substituting these words: "*A Secretary shall be chosen next after the Treasurer, and in the same manner*."—And, on motion of Mr. S. Church, this section was further amended by inserting next after the above amendment these words: "*and the votes for the Secretary shall be returned to, and counted, canvassed and declared by the Treasurer and Comptroller*,"—and was approved as amended.



The 13th section was read as before amended, and, on motion of Mr. Baldwin, was further amended by inserting the words "*and transmit it to the Secretary,*" in the 4th line: so that the whole section, as amended, stands thus:

"Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor. If he approves, he shall sign, and transmit it to the Secretary, but if not, he shall return it to the House in which it originated, with his objections, which shall be entered on the Journals of the House, who shall proceed to reconsider the bill. If, after such reconsideration, that House shall again pass it, it shall be sent, with the objections, to the other House, which shall also reconsider it. If approved, it shall become a law. But in such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the Journals of each House, respectively. If the bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him; the same shall be a law in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevent its return, in which case it shall not be a law."

The question on the section as amended was taken by yeas and nays. Approved by 127 yeas to 52 nays.

*Those who voted in the affirmative were:*

Messrs. Sylv'r Wells,	E. Marshall,	Thomas,
N. Terry,	J. Phelps,	Ives,
S. Hart,	N. Smith,	Manwaring,
Norton,	Hull,	A. Larned,
R. Pitkin,	C. Shelton,	Fox,
Jenks,	Todd,	Daboll,
Dixon,	R. Pierpont,	W. Williams,
Samuel Wells,	Clark,	Braman,
Wilcox,	Benedict,	M. Warren,
Barker,	Gunn,	Brockway,
Buell,	D. Pierpont,	Comstock,
E. Phelps,	D. Tomlinson,	C. Smith,
J. Pettibone,	Osborn,	W. Randall, jun.,
Whittlesey,	Marks,	Palmer,
Jones,	Miles,	Kimball,
Mitchell,	Adams,	W. Randall,

Gallup,  
Avery,  
Hill,  
G. Tomlinson,  
Starr,  
Cook,  
Lacey,  
Lockwood,  
T. S. Wells,  
W. Shelton,  
Seeley,  
Barnum,  
Botsford,  
Fairman,  
Eversley,  
J. King,  
Gilbert,  
Stevens,  
Weed,  
Fairchild,  
Graves,  
Burton,  
A. Gregory,  
Bennett,  
Sturges,  
Webb,  
Waldo,

Payne,  
Fuller,  
L. Warren,  
Hutchins,  
Tilden,  
Babcock,  
Freeman,  
Gurley,  
Woodward,  
Matthewson,  
Hall,  
G. Larned,  
Keigwin,  
McClellan,  
Welch,  
Mills,  
Lambert,  
Burrall,  
Douglas,  
North,  
Hopkins,  
St. John,  
Merwin,  
J. Williams,  
A. Pettibone,  
J. Battell,  
Trowbridge,

D. Johnson,  
S. Church,  
Everett,  
H. Marshall,  
Bushnell,  
Baldwin,  
Miller,  
A. Wolcott,  
Stow,  
Sage,  
Hurd,  
Lyman,  
Hungerford,  
Chapman,  
Young,  
Edgerton,  
Willey,  
Burrows,  
Peters,  
E. Hyde,  
N. Johnson,  
Crawford,  
Paul,  
Sibley,  
Brigham.

127 yeas.

*Those who voted in the negative were :*

Messrs. Hooker,  
S. Pitkin,  
Reed,  
H. Terry,  
T. Pitkin,  
Treadwell,  
A. Church,  
Treat,  
Grannis,  
Lusk,  
Fowler,  
Rose,  
Riggs,  
Farnham,  
Griffing,  
Bull,  
Andrews,  
Tolls,

Lanman,  
Deming,  
Isham,  
J. Hyde,  
Abel,  
Whiting,  
L. Sanford,  
R. W. Williams,  
Frost,  
Griffin,  
Ingalls,  
Nichols,  
Childs,  
Hayden,  
Swift,  
Burnham,  
Brace,  
Austin,

Marsh,  
Butler,  
Swan,  
A. Hinsdale,  
W. Battell,  
Tallmadge,  
Platt,  
Brainerd,  
Huntington,  
Elliot,  
Lane,  
Sill,  
Alvord,  
Root,  
B. Phelps,  
Talcott.

52 nays.

The 14th, 15th, 16th, 17th, 18th, and 19th sections were read, and, after verbal amendments, approved.

The 20th section was read and amended, on motion of Mr. G. Tomlinson, so as to stand thus :

“A Sheriff shall be appointed in each county, by the General Assembly, who shall hold his office for three years, removable by said Assembly ; and in case the sheriff of any county shall die or resign, the Governor may fill the vacancy occasioned thereby, until the same shall be filled by the General Assembly.”

And was approved as amended.

The 21st section was read and approved.

The Convention then proceeded to the consideration of the Fifth Article reported by the committee, relating to the *Judicial Department*.

The 1st and 2d sections were read and approved.

Mr. A. Wolcott made a motion to amend the 3d section, by striking out all the words after the words “ *General Assembly*,” in the 4th line, except the last clause of the section : but before any decision thereon,

The Convention adjourned until eight o'clock to-morrow morning.

#### THURSDAY, SEPTEMBER 10th.

The Journal of yesterday's proceedings was read.

The Convention resumed the consideration of the motion of Mr. A. Wolcott, relating to the tenure of the offices of the Judges of the Supreme Court and of the Superior Court ; and on the question being taken by yeas and nays, it was determined in the negative, as follows, viz:—

#### *For the amendment :*

Messrs. Sylv'r Wells,	Hubbard,	Josiah Phelps,
S. Hart,	Wilcox,	Clark,
Norton,	Barker,	Manwaring,
Everest,	J. Pettibone, jun.,	Lanman,
R. Pitkin,	Jones,	Fox,
Sam'l Wells,	E. Marshall,	Hyde,

Daboll,	A. Gregory,	J. Williams,
Wm. Williams,	Bennett,	A. Wolcott,
Braman,	Webb,	Stow,
Comstock,	Waldo,	Sage,
C. Smith,	L. Warren,	Hurd,
Wm. Randall, jun.,	Hutchins,	Lyman,
Palmer,	Tilden,	Chapman,
Kimball,	Babcock,	Young,
Wm. Randall,	Freeman,	Edgerton,
Gallup,	Gurley,	J. S. Peters,
Avery,	Woodward,	Hyde,
Lockwood,	Dunlap,	N. Johnson,
T. S. Wells,	Hall,	Crawford,
Seeley,	Keigwin,	Paul,
Barnum,	Welch,	Sibley,
Fairchild,	Pinney,	Brigham.
Burton,	Arah Phelps,	68 years.

*Against the motion :*

Messrs. Terry,	Osborn,	Sturges,
Hooker,	Andrews,	R. W. Williams,
B. Hart,	Miles,	Payne,
S. Pitkin,	Adams,	Frost,
Jenks,	Thomas,	Fuller,
Reed,	Tolls,	Griffin,
H. Terry,	Ives,	Matthewson,
Dixon,	Larned,	Ingalls,
T. Pitkin,	Deming,	G. Larned,
Treadwell,	Isham,	Nichols,
A. Church,	Abel,	McClellan,
Treat,	Brockway,	Childs,
Buell,	Hill,	O. Wolcott,
Grannis,	Tomlinson,	Hayden,
Mitchell,	Starr,	Mills,
Lusk,	Cook,	Lambert,
N. Smith,	Lacey,	Burrall,
Fowler,	C. Sanford,	Douglas,
Rose,	Wm. Shelton,	Swift,
Hull,	Botsford,	Burnham,
Shelton,	Fairman,	Hale,
Riggs,	M. Gregory,	North,
Farnham,	Eversley,	Brace,
Todd,	Whiting,	Hopkins,
R. Pierpont,	L. Sanford,	St. John,
Benedict,	King,	Austin,
Bull,	Stevens,	Marsh,
Gunn,	Weed,	Merwin,
D. Pierpont,	Edwards,	A. Pettibone,
D. Tomlinson,	Graves,	J. Battell,

Butler,	Bushnell,	Lane,
Trowbridge,	Tallmadge,	Nott,
D. Johnson,	Baldwin,	Sill,
S. Church,	Platt,	Alvord,
Swan,	Miller,	Root,
Everett,	Brainerd,	Willey,
Hinsdale,	Huntington,	B. Phelps,
Wm. Battell,	Hungerford,	Pease,
Marshall,	Elliot,	Talcott.

117 nays.

On motion of Mr. M. Warren, to amend the 3d section of the Fifth Article, by striking out the words "*good behavior*," and inserting in lieu thereof the words "*five years*," it was determined in the negative.

On motion of Mr. Lanman, to strike out the same words, and to insert in lieu thereof the words "*three years*," it was determined in the negative by yeas and nays. Yeas 88. Nays 98.

*Those who voted in the affirmative were :*

Messrs. Norton,	Brockway,	Burton,
R. Pitkin,	Comstock,	A. Gregory,
S. Pitkin,	C. Smith,	Webb,
Sam'l Wells,	W. Randall, jun.,	Waldo,
Hubbard,	Palmer,	Griffin,
Wilcox,	Kimball,	L. Warren,
Barker,	W. Randall,	Hutchins,
J. Pettibone, jun.,	Gallup,	Tilden,
Jones,	Avery,	Babcock,
Mitchell,	Cook,	Freeman,
E. Marshall,	Lacey,	Gurley,
J. Phelps,	Sanford,	Dunlap,
Hull,	Lockwood,	Hall,
C. Shelton,	T. S. Wells,	Keigwin,
R. Pierpont,	W. Shelton,	Welch,
Clark,	Seeley,	Pinney,
D. Pierpont,	Barnum,	A. Phelps,
Marks,	Botsford,	J. Williams,
Manwaring,	M. Gregory,	Trowbridge,
Lanman,	Eversley,	Bushnell,
Fox,	Gilbert,	Tallmadge,
J. Hyde,	Stevens,	Stow,
Daboll,	Weed,	Sage,
W. Williams,	Fairchild,	Hurd,
M. Warren,	Graves,	Lyman,

Guernsey,  
Chapman,  
Young,  
Root,  
Edgerton,

Burrows,  
Peters,  
E. Hyde,  
N. Johnson,  
Crawford,

Paul,  
Sibley,  
Brigham.

88 yeas.

*Those who voted in the negative were :*

Messrs. Sylv'r Wells,  
N. Terry,  
S. Hart,  
Hooker,  
Everest,  
Jenks,  
Reed,  
H. Terry,  
Dixon,  
T. Pitkin,  
Treadwell,  
A. Church,  
Treat,  
Buell,  
Grannis,  
Lusk,  
N. Smith,  
Fowler,  
Rose,  
Riggs,  
Farnham,  
Todd,  
Benedict,  
Bull,  
Gunn,  
D. Tomlinson,  
Osborn,  
Andrews,  
Miles,  
Adams,  
Thomas,  
Tolls,  
A. Larned,

Deming,  
Isham,  
Abel,  
Braman,  
Hill,  
G. Tomlinson,  
Starr,  
Fairman,  
Whiting,  
L. Sanford,  
J. King,  
Edwards,  
Bennett,  
Sturges,  
R. W. Williams,  
Payne,  
Frost,  
Fuller,  
Woodward,  
Matthewson,  
Ingalls,  
G. Larned,  
Nichols,  
McClellan,  
Childs,  
O. Wolcott,  
Hayden,  
Mills,  
Lambert,  
Burrall,  
Douglas,  
Swift,  
Burnham,

Hale,  
North,  
Brace,  
Hopkins,  
St. John,  
Austin,  
Marsh,  
Merwin,  
A. Pettibone,  
J. Battell,  
Butler,  
S. Church,  
Swan,  
Everett,  
A. Hinsdale,  
W. Battell,  
H. Marshall,  
Baldwin,  
Platt,  
Miller,  
A. Wolcott,  
Brainerd,  
Huntington,  
Hungerford,  
Elliot,  
Lane,  
Nott,  
Sill,  
Alvord,  
Willey,  
B. Phelps,  
Pease,  
Talcott,

[The names count 99.]

On motion of Mr. Stevens, to insert the words "*the pleasure of the General Assembly*," instead of "*good behavior*," it was determined in the negative by yeas and nays.—76 yeas, 105 nays.

*Those who voted in the affirmative were :*

Messrs. Sylv'r Wells,	Palmer,	Babcock,
S. Hart,	Kimball,	Freeman,
Norton,	W. Randall,	Gurley,
R. Pitkin,	Gallup,	Woodward,
Sam'l Wells,	Avery,	Dunlap,
Hubbard,	Hill,	Hall,
Wilcox,	Lacey,	Keigwin,
Barker,	C. Sanford,	Welch,
J. Pettibone,	Lockwood,	Trowbridge,
Jones,	T. S. Wells,	A. Wolcott,
E. Marshall,	W. Shelton,	Stow,
J. Phelps,	Seeley,	Sage,
C. Shelton,	Barnum,	Hurd,
R. Pierpont,	M. Gregory,	Lyman,
Marks,	Eversley,	Guernsey,
Manwaring,	Gilbert,	Chapman,
Lanman,	Stevens,	Young,
Fox,	Weed,	Root,
J. Hyde,	Fairchild,	Burrows,
Daboll,	Graves,	Peters,
W. Williams,	Burton,	E. Hyde,
Braman,	A. Gregory,	N. Johnson,
M. Warren,	Webb,	Crawford,
Brockway,	Waldo,	Paul,
Comstock,	L. Warren,	Sibley,
C. Smith,	Hutchins,	Brigham.
W. Randall, jun.,	Tilden,	

[The names count 80.]

*Those who voted in the negative were :*

Messrs. N. Terry,	Fowler,	Tolls,
Hooker,	Rose,	Ives,
Everest,	Hull,	A. Larned,
S. Pitkin,	Riggs,	Deming,
Jenks,	Farnham,	Isham,
Reed,	Todd,	Abel,
H. Terry,	Clark,	G. Tomlinson,
Dixon,	Benedict,	Starr,
T. Pitkin,	Bull,	Cook,
Treadwell,	Gunn,	Botsford,
A. Church,	D. Pierpont,	Fairman,
Treat,	D. Tomlinson,	Whiting,
Buell,	Osborn,	L. Sanford,
Grannis,	Andrews,	J. King,
Mitchell,	Miles,	Edwards,
Lusk,	Adams,	Bennett,
N. Smith,	Thomas,	Starges,

R. W. Williams,	Burnham,	Bushnell,
Payne,	Hale,	Tallmadge,
Frost,	North,	Baldwin,
Fuller,	Brace,	Platt,
Griffin,	Hopkins,	Miller,
Matthewson,	St. John,	Brainerd,
Ingalls,	Austin,	Huntington,
G. Larned,	Marsh,	Hungerford,
Nichols,	Merwin,	Elliott,
McClellan,	A. Pettibone,	Lane,
Childs,	J. Battell,	Nott,
O. Wolcott,	Butler,	Sill,
Hayden.	S. Church,	Alvord,
Mills,	Swan,	Edgerton,
Lambert,	Everett,	Willey,
Burrall,	A. Hinsdale,	B. Phelps,
Douglas,	W. Battell,	Pease,
Swift,	H. Marshall,	Talcott.

105 nays.

On motion of Mr. Burrows, to erase the 10th line, containing these words, “*Two thirds of the members of each House,*” it was determined in the negative.

The question was then taken on the whole section, which was approved as reported, by yeas and nays.—117 yeas,—77 nays.

*Those who voted in the affirmative were:*

Messrs. N. Terry,	Fowler,	Tolls,
Hooker,	Rose,	Ives,
B. Hart,	Hull,	A. Larned,
Everest,	C. Shelton,	Deming,
S. Pitkin,	Riggs,	Isham,
Jenks,	Farnham,	Abel,
Reed	Todd,	Hill,
H. Terry,	R. Pierpont,	G. Tomlinson,
Dixon,	Benedict,	Starr,
T. Pitkin,	Bull,	W. Shelton,
Treadwell,	Gunn,	Fairman,
A. Church,	D. Pierpont,	M. Gregory,
Treat,	D. Tomlinson,	Whiting,
Buell,	Osborn,	L. Sanford,
Whittlesey,	Andrews,	J. King,
Grannis,	Marks,	Edwards,
Mitchell,	Miles,	Bennett,
Lusk,	Adams,	Sturges,
N. Smith,	Thomas,	R. W. Williams,



Payne,	North,	Baldwin,
Frost,	Brace,	Platt,
Fuller,	Hopkins,	Miller,
Griffin,	St. John,	Brainerd,
Matthewson,	Austin,	Huntington,
Ingalls,	Marsh,	Sage,
G. Larned,	A. Pettibone,	Hungerford,
Nichols,	J. Battell,	Elliott,
McClellan,	Butler,	Lane,
Childs,	D. Johnson,	Nott,
O. Wolcott,	S. Church,	Sill,
Hayden,	Swan,	Alvord,
Mills,	Everett,	Root,
Lambert,	A. Hinsdale,	Edgerton,
Douglas,	Wm. Battell,	Willey,
Swift,	H. Marshall,	B. Phelps,
Burnham,	Bushnell,	Pease,
Hale,	Tallmadge,	Talcott.

[The names count 111.]

*Those who voted in the negative were :*

Messrs. Sylv'r Wells,	Kimball,	Gurley,
S. Hart,	W. Randall,	Woodward,
Norton,	Gallup,	Dunlap,
R. Pitkin,	Avery,	Hall,
Sam'l Wells,	Lacey,	Keigwin,
Hubbard,	C. Sanford,	Welch,
Wilcox,	Lockwood,	Pinney,
Barker,	T. S. Wells,	A. Phelps,
J. Pettibone, jun.,	Seeley,	Merwin,
Jones,	Barnum,	J. Williams,
E. Marshall,	Botsford,	Trowbridge,
J. Phelps,	Eversley,	Perry,
Clark,	Gilbert,	A. Wolcott,
Manwaring,	Stevens,	Stow,
Lanman,	Weed,	Hurd,
Fox,	Fairchild,	Lyman,
J. Hyde,	Graves,	Guernsey,
Daboll,	Burton,	Chapman,
W. Williams,	A. Gregory,	Young,
Braman,	Webb,	Burrows,
M. Warren,	Waldo,	Peters,
Brockway,	L. Warren,	N. Johnson,
Comstock,	Hutchins,	Crawford,
C. Smith,	Tilden,	Paul,
W. Randall, jun.,	Babcock,	Sibley,
Palmer,	Freeman,	Brigham.

[The names count 78.]

The Sixth Article was read, relating to the *Qualifications of Electors*.

The 1st section was, on motion of Mr. Treadwell, amended by erasing the words "*and remain,*" in the last line.

The 2d section was amended, on motion of Mr. N. Terry, by inserting the words "*gained a settlement in this State,*" after the word "*have,*" in the 2d line; and was further amended by inserting the words "*in this State,*" next after "*dollars,*" in the 8th line.

On motion of Mr. Treadwell, to strike out the clause beginning at the 8th and ending in the 14th line, relating to military duty as a qualification of an elector, it was determined by yeas and nays in the negative. Yeas, 67. Nays, 113.

*Those who voted in the affirmative were :*

Messrs. N. Terry,	Tolls,	Butler,
Hooker,	Deming,	Swan,
B. Hart,	Isham,	Everett,
Everest,	Abel,	A. Hinsdale,
S. Pitkin,	Whiting,	W. Battell,
Jenks,	L. Sanford,	Tallmadge,
Reed,	R. W. Williams,	Baldwin,
H. Terry,	Payne,	Miller,
Dixon,	Frost,	Brainerd,
T. Pitkin,	Griffin,	Huntington,
Treadwell,	Matthewson,	Hungerford,
A. Church,	Ingalls,	Elliott,
Treat,	McClellan,	Lane,
Buell,	Childs,	Nott,
Whittlesey,	Hayden,	Sill,
Mitchell,	Swift,	Alvord,
Lusk,	Hale,	Root,
Fowler,	North,	Edgerton,
Rose,	Brace,	B. Phelps,
Riggs,	Hopkins,	Pease,
Benedict,	Marsh,	Talcott.—67 yeas.
Bull,	A. Pettibone,	
Thomas,	J. Battell,	

*Those who voted in the negative were :*

Messrs. Sylv'r Wells,	Sam'l Wells,	E. Phelps,
Sam'l Hart,	Hubbard,	J. Pettibone,
Norton,	Wilcox,	Jones,
R. Pitkin,	Barker,	E. Marshall,

Josiah Phelps,	Lacey,	O. Wolcott,
N. Smith,	C. Sanford,	Welch,
Hull,	Lockwood,	Burrall,
C. Shelton,	T. S. Wells,	Douglass,
R. Pierpont,	W. Shelton,	A. Phelps,
Clark,	Seeley,	Burnham,
Gunn,	Barnum,	St. John,
D. Pierpont,	Botsford,	Austin,
D. Tomlinson,	Fairman,	Merwin,
Marks,	N. Gregory,	J. Williams,
Miles,	Eversley,	Trowbridge,
Adams,	J. King,	D. Johnson,
Manwaring,	Gilbert,	S. Church,
A. Larned,	Stevens,	H. Marshall,
Lanman,	Weed,	Bushnell,
Fox,	Edwards,	Platt,
J. Hyde,	Fairchild,	Perry,
Daboll,	Graves,	Stow,
Wm. Williams,	A. Gregory,	Sage,
Braman,	Sturges,	Hurd,
W. Warren,	Webb,	Lyman,
Brockway,	Waldo,	Guernsey,
Comstock,	L. Warren,	Chapman,
C. Smith,	Hutchins,	Young,
W. Randall, jun.,	Tilden,	Willey,
Palmer,	Babcock,	Burrows,
Kimball,	Freeman,	Peters,
W. Randall,	Gurley,	E. Hyde,
Gallup,	Woodward,	N. Johnson,
Avery,	Dunlap,	Crawford.
Hill,	Hall,	Paul,
G. Tomlinson,	G. Larned,	Sibley,
Starr,	Nichols,	Brigham.
Cook,	Keigwin,	113 nays.

The 3d Section was read and approved.

The 4th Section was read and amended, by adding to it these words: "*or other offence for which an infamous punishment is inflicted.*"

The 5th Section was read and approved.

On motion of Mr. H. Terry, to amend the 6th section by inserting after the word "*The,*" in the 1st line these words: "*civil authority and,*" it was determined in the negative by yeas and nays. 82 yeas ; 91 nays.

*Those who voted in the affirmative were :*

Messrs. N. Terry,	Whiting,	J. Battell,
Norton,	L. Sanford,	Butler,
Everest,	Burton,	Trowbridge,
S. Pitkin,	Payne,	D. Johnson,
Jenks,	Frost,	S. Church,
Reed,	Griffin,	Swan,
H. Terry,	Hutchins,	Everett,
Dixon,	Matthewson,	Hinsdale,
T. Pitkin,	Ingalls,	W. Battell,
Barker,	G. Larned,	Bushnell,
A Church,	Nichols,	Tallmadge,
Treat,	McClellan,	Baldwin,
Whittlesey,	Childs,	Platt,
Fowler,	Hayden,	Miller,
Rose,	Mills,	Brainerd,
Riggs,	Lambert,	Huntington,
Farnham,	Burrall,	Hungerford,
R. Pierpont,	Douglas,	Elliott,
Benedict,	Swift,	Lane,
Bull,	Burnham,	Nott,
Gunn,	Hale,	Sill,
Osborn,	North,	Young,
Thomas,	Brace,	Alvord,
Tolls,	Hopkins,	Root,
A. Larned,	St. John,	Edgerton,
Deming,	Austin,	Peters.
Isham,	Marsh,	
Abel,	A. Pettibone,	82 yeas.

*Those who voted in the negative were :*

Messrs. Sylvester Wells,	D. Tomlinson,	Palmer,
S. Hart,	Andrews,	Kimball,
R. Pitkin,	Marks,	W. Randall,
Treadwell,	Miles,	Gallup,
Hubbard,	Adams,	Avery,
Wilcox,	Ives,	Hill,
Buell,	Manwaring,	G. Tomlinson,
E. Phelps,	Lanman,	C. Sanford,
J. Pettibone,	Fox,	Lockwood,
Grannis,	J. Hyde,	T. S. Wells,
E. Marshall,	Daboll,	W. Shelton,
J. Phelps,	W. Williams,	Seeley,
Hull,	Braman,	Barnum,
C. Shelton,	M. Warren,	Botsford,
Griffing,	Brockway,	Fairman,
Clark,	C. Smith,	Gilbert,
D. Pierpont,	W. Randall, jun.,	Stevens,

Weed,	Dunlap,	Hurd,
Edwards,	Hall,	Lyman,
Fairchild,	Keigwin,	Guernsey,
A. Gregory,	O. Wolcott,	Chapman,
Sturges,	Welch,	Wiley,
Webb,	A. Phelps,	Burrows,
Waldo,	Merwin,	Pease,
L. Warren,	J. Williams,	E. Hyde,
Tilden,	Perry,	N. Johnson,
Babcock,	Bacon,	Crawford,
Freeman,	A. Wolcott,	Paul,
Gurley,	Stow,	Sibley,
Woodward,	Sage,	Brigham. [90.]

On motion of Mr. Nott, the words "*Town Clerk*" were added next after "*selectmen*." The section was then approved as amended, by 103 yeas to 72 nays.

The 7th Section was amended, on motion of Mr. Treadwell, by striking out the words "*elections and other*," in the 4th line, and approved as amended.

On motion of Mr. Pitkin, the 8th section was amended by striking out "*or members of Congress*," and was then approved.

The 9th section was amended, on motion of Mr. A. Wolcott, by erasing the exception and inserting in lieu thereof these words: "*on any civil process*," and was then approved.

The 10th Section was read and approved, after striking out "*freemen's*," and inserting "*of the electors*," after "*meetings*."

Then the Convention adjourned until to-morrow morning at 8 o'clock.

#### FRIDAY, SEPTEMBER 11th.

The Journal of yesterday's proceedings was read.

The Convention took into consideration the Seventh Article, relating to *Religion*.

The 1st section was read, and, on motion of Mr. G. Tomlinson, to erase the words "*right and*," and insert next after "*universe*," these words: "*and their right to render that worship*," it was determined in the affirmative.

On motion of Mr. Lanman, the same section was further amended by transposing the words "*by law*," from the end of the 6th line to the end of the 5th line, and inserting "*But*" instead of "*And*," at the beginning of the 9th line.

The question was then taken on the section, as amended, and approved by 103 yeas to 86 nays.

*Those who voted in the affirmative were :*

Messrs. Sylvester Wells,	Palmer,	Freeman,
S. Hart,	Kimball,	Gurley,
R. Pitkin,	W. Randall,	Woodward,
Sam'l Wells,	Gallup,	Dunlap,
Hubbard,	Avery,	Hall,
Wilcox,	Hill,	Keigwin,
Barker,	G. Tomlinson,	O. Wolcott,
E. Phelps,	Starr,	Welch,
J. Pettibone,	Cook,	Burrall,
Jones,	Lacey,	Douglas,
E. Marshall,	C. Sanford,	Pinney,
J. Phelps,	Lockwood,	A. Phelps,
Hull,	T. S. Wells,	St. John,
C. Shelton,	W. Shelton,	Merwin,
Clark,	Seeley,	D. Johnson,
D. Tomlinson,	Barnum,	S. Church,
Andrews,	Botsford,	Perry,
Marks,	Fairman,	A. Wolcott,
Miles,	M. Gregory,	Stow,
Adams,	Eversley,	Sage,
Ives,	J. King,	Hurd,
Manwaring,	Gilbert,	Lyman,
A. Larned,	Stevens,	Guernsey,
Turner,	Weed,	Chapman.
Lanman,	Edwards,	Young,
Fox,	Fairchild,	Burrows,
J. Hyde.	A. Gregory,	Peters,
Dabol,	Sturges,	E. Hyde,
W. Williams,	Webb.	N. Johnson,
Braman,	Waldo,	Crawford,
M. Warren,	R. W. Williams,	Paul,
Brockway,	L. Warren,	Sibley,
Comstock,	Hutchins,	Brigham.
C. Smith,	Tilden,	
W. Randall, jun.,	Babcock,	

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*Those who voted in the negative were :*

Messrs. Norton,	Hooker,	B. Hart,
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Everest,	Tolls,	J. Battell,
S. Pitkin,	Deming,	Butler,
Jenks,	Isham,	Trowbridge,
Reed,	Abel,	Swan,
H. Terry,	Whiting,	Everett,
Dixon,	L. Sanford,	Hinsdale,
T. Pitkin,	Burton,	W. Battell,
Treadwell,	Bennett,	H. Marshall,
A. Church,	Payne,	Bushnell,
Treat,	Frost,	Tallmadge,
Buell,	Griffin,	Baldwin,
Whittlesey,	Matthewson,	Platt,
Grannis,	Ingalls,	Miller,
Mitchell,	G. Larned,	Brainerd,
Lusk,	Nichols,	Huntington,
N. Smith,	McClellan,	Hungerford,
Fowler,	Childs,	Elliot,
Rose,	Hayden,	Lane,
Riggs,	Mills,	Nott,
Farnham,	Lambert,	Sill,
Todd,	Swift,	Alvord,
R. Pierpont,	Burnham,	Root,
Benedict,	Hale,	Edgerton,
Bull,	Brace,	Willey,
Gunn,	Hopkins,	B. Phelps,
D. Pierpont,	Austin,	Pease,
Osborn,	Marsh,	Talcott.—86.
Thomas,	A. Pettibone,	

The 2d section of the Seventh Article was read, and on motion of Mr. T. Pitkin, to strike out the whole section, it was determined in the negative. Yeas, 84 ; nays, 105.

*Those who voted in the affirmative were :*

Messrs. N. Terry,	Whittlesey,	Thomas,
Hooker,	Grannis,	Tolls,
Everest,	Mitchell,	Deming,
S. Pitkin,	Lusk,	Isham,
Jenks,	Fowler,	Abel,
Reed,	Rose,	Whiting,
H. Terry,	Riggs,	L. Sanford,
Dixon,	Farnham,	Burton,
T. Pitkin,	Todd,	Bennett,
Treadwell,	R. Pierpont,	Payne,
Saml. Wells,	Benedict,	Frost,
A. Church,	Bull,	Fuller,
Treat,	Gunn,	Griffin,
Buell,	Osborn,	Matthewson,

Ingalls,	A. Pettibone,	Brainerd,
McClellan,	J. Battell,	Huntington,
Childs,	Butler,	Hungerford,
Hayden,	Trowbridge,	Elliot,
Mills,	Swan,	Lane,
Lambert,	Everett,	Nott,
Swift,	Hinsdale,	Sill,
Burnham,	W. Battell,	Alvord,
Hale,	H. Marshall,	Root,
North,	Bushnell,	Edgerton,
Brace,	Tallmadge,	Willey,
Hopkins,	Baldwin,	B. Phelps,
Austin,	Platt,	Pease,
Marsh,	Miller,	Talcott.—84.

*Those who voted in the negative were :*

Messrs. Sylv'r Wells,	W. Randall, jun.,	L. Warren,
S. Hart,	Palmer,	Hutchins,
Norton,	Kimball,	Tilden,
R. Pitkin,	W. Randall,	Babcock,
Hubbard,	Gallup,	Freeman,
Wilcox,	Avery,	Gurley,
Barker,	Hill,	Woodward,
E. Phelps,	G. Tomlinson,	Dunlap,
J. Pettibone,	Starr,	Hall,
Jones,	Cook,	G. Larned,
E. Marshall,	Lacey,	Keigwin,
J. Phelps,	C. Sanford,	O. Wolcott,
Hull,	Lockwood,	Welch,
C. Shelton,	T. S. Wells,	Burrall,
Clark,	W. Shelton,	Douglas,
Andrews,	Seeley,	Pinney,
Marks,	Barnum,	A. Phelps,
Miles,	Botsford,	St. John,
Adams,	Fairman,	Merwin,
Ives,	M. Gregory,	D. Johnson,
Mauwaring,	Eversley,	S. Church,
A. Larned,	J. King,	Perry,
Turner,	Gilbert,	Bacon,
Lanman,	Stevens,	A. Wolcott,
Fox,	Weed,	Stow,
J. Hyde,	Edwards,	Sage,
Daboll,	Fairchild,	Hurd,
W. Williams,	Graves,	Lyman,
Braman,	A. Gregory,	Guernsey,
M. Warren,	Sturges,	Chapman,
Brockway,	Webb,	Young,
Comstock,	Waldo,	Burrows,
C. Smith,	R. W. Williams,	Peters,



E. Hyde,  
N. Johnson.

Crawford,  
Paul,

Sibley,  
Brigham.—105.

The question was then taken on the section as reported, and [it] was approved by 97 yeas to 69 nays.

*Those who voted in the affirmative were :*

Messrs. Sylv'r Wells,	W. Randall, jun.,	Freeman,
S. Hart,	Palmer,	Gurley,
Norton,	Kimball,	Woodward,
Everest,	W. Randall,	Hall,
H. Terry,	Gallup,	Keigwin,
Treadwell,	Avery,	O. Wolcott,
Sam'l Wells,	Hill,	Welch,
Hubbard,	G. Tomlinson,	Burrall,
Wilcox,	Starr,	Douglas,
Buell,	Cook,	A. Phelps,
E. Phelps,	Lacey,	Merwin,
Grannis,	C. Sanford,	D. Johnson,
Lusk,	Lockwood,	S. Church,
E. Marshall,	T. S. Wells,	Perry,
Hull,	W. Shelton,	Bacon,
C. Shelton,	Seeley,	A. Wolcott,
Clark,	Barnum,	Stow,
Andrews,	Bot-ford,	Sage,
Marks,	Fairman,	Hurd,
Miles,	Whiting,	Lyman,
Adams,	Gilbert,	Guernsey,
Ives,	Stevens,	Chapman,
Manwaring,	Weed,	Young,
A. Larned,	Edwards,	Burrows,
Lanman,	Fairchild,	Peters,
Fox,	Graves,	E. Hyde,
J. Hyde,	Sturges,	N. Johnson,
Daboll,	Webb,	Crawford,
W. Williams,	Waldo,	Paul,
Braman,	R. W. Williams,	Sibley,
M. Warren,	L. Warren,	Brigham.—97.
Brockway,	Hutchins,	
C. Smith,	Tilden,	

*Those who voted in the negative were :*

Messrs. N. Terry,	Reed,	J. Pettibone,
B. Hart,	Dixon,	Whittlesey,
R. Pitkin,	T. Pitkin,	Morse,
S. Pitkin,	Barker,	Fowler,
Jenks,	A. Church,	Rose,

Riggs,	G. Larned,	Bushnell,
Farnham,	McClellan,	Baldwin,
R. Pierpont,	Childs,	Miller,
Benedict,	Hayden,	Brainerd,
Gunn,	Lambert,	Huntington,
D. Pierpont,	Swift,	Hungerford,
Osborn,	Burnham,	Elliott,
Thomas,	Hale,	Lane,
Tolls,	North,	Nott,
Isham,	Brace,	Sill,
Abel,	Hopkins,	Alvord,
M. Gregory,	Austin,	Root,
Eversley,	Marsh,	Edgerton,
Burton,	A. Pettibone,	Willey,
Bennett,	J. Battell,	B. Phelps,
Payne,	Butler,	Pease,
Frost,	Trowbridge,	Talcott,
Griffin,	Swan,	[The names count 72.)
Matthewson,	Everett,	
Ingalls,	Hinsdale,	

The Convention then proceeded to consider the Eighth Article, concerning *Education*.

The 1st section was read and approved.

The 2d section was read and amended, by inserting after the word "*remain*," in the 2d line, these words : "*a perpetual fund, the interest of which shall be.*" It was then approved as amended.

The Ninth Article, *Of Impeachments*, was read and approved.

The Tenth Article, containing *General Provisions*, was considered, and the 1st section was amended, on motion of Mr. G. Tomlinson, by inserting the word "*You*," instead of the words "*I do*," at the beginning, and altering other parts of the section, in conformity to that amendment.

The 2d section was read and approved.

The 3d section was amended, on motion of Mr. Fairchild, by inserting next after the word "*adopted*," in the 3d line, these words : "*with the exception of such regulations and restrictions as are contained in this Constitution ;*" and was further amended, on motion of Mr. Lanman, by varying the last sentence in the section so as to stand thus : "*The validity of all bonds, debts, contracts, as well of individuals as of bodies*

*corporate or the State, of all suits, actions or rights of action, both in law or equity, shall continue as if no change had taken place,"* and was approved as amended.

The 4th section was read and amended by inserting, at the beginning of the 1st line, these words : "*No judge of the superior court, or of the supreme court of errors.*"

On motion of Mr. McClellan, further to amend the section, by adding at the end of it these words : "*And no person holding any office under the authority of the United States shall be a judge of the supreme, superior, or county courts,*" it was determined in the negative.

The 5th and 6th sections were read, and stricken out, on motion.

The Convention then proceeded to the consideration of the Eleventh Article, *Of Amendments to the Constitution*, and, on motion of Mr. M. Warren, to strike out the words "*two-thirds*," in the 9th line of the 1st section, and to insert in lieu thereof the words "*a majority*," and to insert after the words "*each House*," in the same line, the words "*counting on the roll of the House*,"—it was determined in the negative.

On motion of Mr. Treadwell, to strike out the words "*a majority*," in the 19th and 20th lines, and insert the words "*two-thirds*" in lieu thereof,—it was determined in the negative.

The Eleventh Article was then approved as reported.

Messrs. Lanman, H. Terry and Fairchild were appointed a committee for engrossing.

Messrs. Stevens, M. Warren, and McClellan were appointed a committee for making up the debenture.

On motion of Mr. H. Terry, to strike out the 2d section of the Second Article, relating to the *Distribution of Powers*, it was determined in the affirmative.

On motion of Mr. Lanman, the 5th section of the *Bill of Rights*, as reported, was stricken out.

And the Convention adjourned until to-morrow morning, at 8 o'clock.

SATURDAY, SEPTEMBER 12th.

The Journal of yesterday's proceedings was read.

On motion of Mr. Stevens, the committee appointed to make up the debenture were directed to make up the same according to the rule of the House of Representatives.

On motion of Mr. Treadwell, to add a new section to the Third Article, to provide for a nomination of twenty persons to be made out by the electors the year preceding the choice of senators, and for choosing the senators from such nomination,—instead of the 5th and 6th sections of the Third Article, and the 2d and 3d section of the Fourth Article, and to strike out the said 5th and 6th sections, and the said 2d and 3d sections, and to provide for the choice of other officers in a manner similar to that pointed out in said sections,—it was determined in the negative by yeas and nays, as follows :

*For the motion :*

Messrs. N. Terry,	Tolls,	J. Battell,
Hooker,	Deming,	Church,
B. Hart,	Isham,	Swann,
Everest,	Abel,	Everett,
S. Pitkin,	Whiting,	Hinsdale,
Jenks,	L. Sanford,	W. Battell,
Reed,	Burton,	Tallmadge,
H. Terry,	Bennett,	Baldwin,
T. Pitkin,	R. W. Williams,	Platt,
Treadwell,	Payne,	Miller,
A. Church,	Frost,	Brainerd,
Treat,	Fuller,	Huntington,
Buell,	Griffing,	Hungerford,
Whittlesey,	Ingalls,	Elliott,
Grannis,	Nichols,	Lane,
Mitchell,	Childs,	Nott,
Lusk,	Hayden,	Sill,
Fowler,	Mills,	Alvord,
Rose,	Lambert,	Root,
Riggs,	Hale,	Edgerton,
Farnham,	North,	Willey,
Todd,	Brace,	B. Phelps,
Benedict,	Hopkins,	Pease,
Bull,	Austin,	Talcott.—76 yeas.
Gunn,	Marsh,	
Thomas,	A. Pettibone,	

*Against the motion :*

Messrs. Sylv'r Wells,	Norton,	Dixon,
S. Hart,	R. Pitkin,	Sam'l Wells,

Hubbard,	Gallup,	Hall,
Wilcox,	Avery,	G. Larned,
Barker,	Hill,	Keigwin,
E. Phelps,	G. Tomlinson,	Welch,
J. Pettibone,	Starr,	Burrall,
Jones,	Cook,	Douglas,
E. Marshall,	Lacey,	Pinney,
J. Phelps,	C. Sanford,	A. Phelps,
N. Smith,	Lockwood,	Burnham,
Hull,	T. S. Wells,	St. John,
C. Shelton,	W. Shelton,	Merwin,
R. Pierpont,	Seeley,	Butler,
Clark,	Barnum,	Trowbridge,
D. Pierpont,	Botsford,	D. Johnson,
D. Tomlinson,	Fairman,	Marshall,
Osborn,	Gregory,	Bushnell,
Marks,	Eversley,	Perry,
Miles,	King,	Bacon,
Ives,	Gilbert,	A. Wolcott,
Adams,	Graves,	Stow,
Manwaring,	Weed,	Sage,
Larned,	Edwards,	Hurd,
Turner,	Fairchild,	Lyman,
Lanman,	A. Gregory,	Guernsey,
Fox,	Sturges,	Chapman,
J. Hyde,	Webb,	Young,
Daboll,	Waldo,	Burrows,
Wm. Williams,	L. Warren,	Peters,
Braman,	Hutchins,	E. Hyde,
Brockway,	Tilden,	N. Johnson,
Comstock,	Babcock,	Crawford,
C. Smith,	Freeman,	Paul,
Wm. Randall, jun.,	Gurley,	Sibley,
Palmer,	Woodward,	Brigham.
Kimball,	Dunlap,	Nays, 112.
Wm. Randall,	Matthewson,	

On motion of Mr. A. Wolcott, to amend the 4th section of the Third Article, by adding next after "*electors*," in the 2d line, the words "*by districts*,"—it was determined in the negative by yeas and nays, as follows :—

*For the motion,*

Messrs. Sylv. Wells,	Saml. Wells,	Jones,
Saml. Hart,	Hubbard,	E. Marshall,
Norton,	Barker,	D. Tomlinson,
R. Pitkin,	J. Pettibone, jr.,	Manwaring,

Turner,  
 Fox,  
 Daboll,  
 W. Williams,  
 Warren,  
 Brockway,  
 W. Randall, jr.,  
 Comstock,  
 W. Randall,  
 Gallup,  
 Avery,  
 Hill,  
 G. Tomlinson,  
 Starr,  
 Cook,  
 C. Sanford,  
 Lockwood,  
 T. S. Wells,  
 Shelton,

Seeley,  
 Fairman,  
 Mo-es Gregory,  
 Eversley,  
 Stevens,  
 Weed,  
 Edwards,  
 Fairchild,  
 Webb,  
 Waldo,  
 Tilden,  
 Babcock,  
 Keigwin,  
 Freeman,  
 Gurley,  
 Welch,  
 Douglas,  
 Pinney,  
 A. Phelps,

Bacon,  
 Wolcott,  
 Stow,  
 Sage,  
 Hurd,  
 Lyman,  
 Guernsey,  
 Chapman,  
 Young,  
 Burrows,  
 Peters,  
 N. Johnson,  
 Crawford,  
 Paul,  
 Sibley,  
 Brigham.  
 Yeas, 66.

*Against the motion:*

Messrs. N. Terry,  
 Hooker,  
 B. Hart,  
 Everest,  
 S. Pitkin,  
 Jenks,  
 Reed,  
 H. Terry,  
 T. Pitkin,  
 Treadwell,  
 Wilcox,  
 A. Church,  
 Treat,  
 Buell,  
 E. Phelps,  
 Whittlesey,  
 Grannis,  
 Mitchell,  
 Lusk,  
 N. Smith,  
 Hull,  
 C. Shelton,  
 Fowler,  
 Rose,  
 Riggs,  
 Farnham,  
 Griffing,  
 Todd,

R. Pierpont,  
 Clark,  
 Benedict,  
 Bull,  
 Gunn,  
 D. Pierpont,  
 Osborn,  
 Miles,  
 Adams,  
 Thomas,  
 Tolls,  
 Ives,  
 Larned,  
 Turner,  
 Lanman,  
 Fox,  
 Deming,  
 Isham,  
 J. Hyde,  
 Abel,  
 Palmer,  
 Lacey,  
 Botsford,  
 Whiting,  
 L. Sanford,  
 King,  
 Gilbert,  
 Burton,

A. Gregory,  
 Bennett,  
 R. W. Williams,  
 Payne,  
 Frost,  
 Fuller,  
 E. Griffin,  
 L. Warren,  
 Hutchins,  
 Woodward,  
 Dunlap,  
 Matthewson,  
 Ingalls,  
 G. Larned,  
 Nichols,  
 McClellan,  
 Childs,  
 O. Wolcott,  
 Hayden,  
 Miles,  
 Lambert,  
 Burrall,  
 Swift,  
 Burnham,  
 Hale,  
 North,  
 Brace,  
 Hopkins,

St. John,	W. Battell,	Nott,
Austin,	Tallmadge,	Sill,
Marsh,	Bushnell,	Alvord,
A. Pettibone,	Baldwin,	Root,
J. Battell,	Platt,	Edgerton,
Butler,	Miller,	A. Phelps,
Trowbridge,	Brainerd,	Pease,
S. Church,	Huntington,	E. Hyde,
Swan,	Hungerford,	Talcott.
Everett,	Elliott,	Nays, 115.
Hinsdale,	Lane,	

And the Convention adjourned until next Monday afternoon, at 2 o'clock.

### MONDAY, SEPTEMBER 14TH.

The Journal of Saturday's proceedings was read.

The printed copies (one of which is hereto annexed\*) of the Constitution, as amended on its first passage, were distributed among the members of the Convention.

On motion of Mr. Fairchild, to amend the 3d section of the Sixth Article, by adding after the word "*elector*," at the end, these words: "*Nor shall any person be entitled to vote in town meetings in consequence of his being an elector*,"—it was determined in the affirmative.

On motion of Mr. Whiting, to amend said section, by striking out the word "*residence*," and to insert in lieu of it the word "*settlement*,"—it was determined in the affirmative.

The question was then taken on approving the section as amended, and was determined in the negative. *This section was lost.*

On motion of Mr. Edwards, to amend the 3d section of the Fifth Article, by inserting after the word "*Assembly*," in the 4th line, these words: "*in such manner as shall by law be prescribed*,"—it was determined in the affirmative.

On motion of Mr. A. Wolcott, further to amend said 3d section, by striking out these words: "*good behavior*," and

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\* It is not now found attached to the Journal.

inserting "*three years*,"—it was determined in the negative, by yeas and nays, as follows :—

*For the motion :*

Messrs. Sylv'r Wells,	W. Randall, jun.,	Keigwin,
S. Hart,	Randall,	Pinney,
Norton,	Avery,	A. Phelps,
R. Pitkin,	Cook,	Trowbridge,
Wilcox,	C. Sanford,	Tallmadge,
Barker,	Lockwood,	Bushnell,
J. Pettibone,	T. S. Wells,	Perry,
Jones,	Seeley,	Bacon,
E. Marshall,	Barnum,	A. Wolcott,
J. Phelps,	Botsford,	Stow,
Hull,	Eversley,	Sage,
Clark,	Gilbert,	Hurd,
Manwaring,	Graves,	Lyman,
Turner,	Stevens,	Guernsey,
Lanman,	Weed,	Chapman,
Fox,	Fairchild,	Young,
J. Hyde,	Burton,	Edgerton,
Daboll,	A. Gregory,	D. Burrows,
Wm. Williams,	Webb,	Peters,
M. Warren,	Waldo,	E. Hyde,
Brockway,	Hutchins,	N. Johnson,
Comstock,	Tilden,	Pease,
C. Smith,	Babcock,	Sibley,
Palmer,	Freeman,	Brigham.
Kimball,	Gurley,	74 yeas.

*Against the motion :*

Messrs. N. Terry,	Bristol,	Adams,
Hooker,	N. Smith,	Thomas,
B. Hart,	C. Shelton,	Tolls,
Everest,	Fowler,	Ives,
Saml. Pitkin,	Rose,	Larned,
Jenks,	Riggs,	Deming,
Reed,	Farnham,	Isham,
Dixon,	Todd,	Abel,
T. Pitkin,	R. Pierpont,	Braman,
Treadwell,	Benedict,	G. Tomlinson,
A. Church,	Bull,	Starr,
Treat,	Gunn,	Lacey,
Buell,	D. Pierpont,	Wm. Shelton,
Grannis,	D. Tomlinson,	Fairman,
Morse,	Osborn,	Whiting,
Mitchell,	Marks,	L. Sanford,
Lusk,	Miles,	King,



Edwards,	Burnham,	Baldwin,
Sturges,	Hall,	Platt,
R. W. Williams,	North,	Miller,
Frost,	Brace,	Brainerd,
Payne,	St. John,	Huntington,
L. Warren,	Austin,	Hungerford,
Woodward,	Marsh,	Elliott,
Matthewson,	Merwin,	Lane,
Ingalls,	A. Pettibone,	Nott,
Nichols,	J. Battell,	Sill,
Childs,	Butler,	Alvord,
O. Wolcott,	D. Johnson,	Root,
Hayden,	S. Church,	Willey,
Mills,	Swan,	B. Phelps,
Lambert,	Everett,	Pease,
Burrall,	Hinsdale,	Talcott,
Douglas,	W. Battell,	103 nays.
Swift,	H. Marshall,	

On motion of Mr. A. Wolcott, to strike out from said section the words "*two-thirds of the members of each House*," and to insert in place thereof the words "*both Houses*,"—it was determined in the negative.

The question was then on the section as amended, by yeas and nays, and the same was approved.

*In favor of the section :*

Messrs. N. Terry,	N. Smith,	Turner,
S. Hart,	Hull,	Deming,
Hooker,	Fowler,	Isham,
B. Hart,	Rose,	Abel,
Everest,	Riggs,	C. Smith,
S. Pitkin,	Farnham,	G. Tomlinson,
Jenks,	Todd,	Starr,
Reed,	R. Pierpont,	Cook,
H. Terry,	Benedict,	Lacey,
Dixon,	Bull,	Wm. Shelton,
T. Pitkin,	Gunn,	Botsford,
Treadwell,	D. Pierpont,	Fairman,
Sam'l Wells,	D. Tomlinson,	Whiting,
A. Church,	Osborn,	L. Sanford,
Treat,	Marks,	King,
Buell,	Adams,	Edwards,
Grannis,	Thomas,	Sturges,
Mitchell,	Tolls,	R. W. Williams,
Lusk,	Ives,	Payne,
Bristol,	Larned,	Frost,

L. Warren,	Austin,	Brainerd,
Hutchins,	Marsh,	Huntington,
Woodward,	Merwin,	Hungerford,
Matthewson,	A. Pettibone,	Elliott,
Ingalls,	J. Battell,	Lane,
Nichols,	Butler,	North,
Childs,	Trowbridge,	Sill,
O. Wolcott,	S. Church,	Alvord,
Hayden,	D. Johnson,	Root,
Mills,	Swan,	Edgerton,
Lambert,	Everett,	Wiley,
Burrall,	Hinsdale,	D. Burrows,
Douglas,	W. Battell,	B. Phelps,
Pinney,	Tallmadge,	Pease,
Burnham,	H. Marshall,	Talcott,
North,	Bushnell,	Miles.
Hale,	Baldwin,	114 yeas.
Brace,	Platt,	
St. John,	Miller,	

*Against the section :*

Messrs Sylv. Wells,	Comstock,	A. Phelps,
Norton,	Palmer,	Perry,
R. Pitkin,	Kimball,	Bacon,
Barker,	Wm. Randall, jun.,	A. Wolcott,
J. Pettibone, jun.,	Gallup,	Stow,
Jones,	Avery,	Sage,
E. Marshall,	C. Sanford,	Hurd,
J. Phelps,	Lockwood,	Lyman,
Clark,	T. S. Wells,	Guernsey,
Manwaring,	Seeley,	Chapman,
Lanman,	Stevens,	Young,
Fox,	Weed,	Peters,
J. Hyde,	Fairchild,	E. Hyde,
Daboll,	A. Gregory,	N. Johnson,
W. Williams,	Webb,	Paul,
Braman,	Waldo,	Sibley,
M. Warren,	Tilden,	Brigham.
Brockway,	Babcock,	53 yeas.

On motion of Mr. Swan, the 10th section of the Third Article was amended by striking out the words "*except treason, felony and breach of the peace,*" and inserting in place thereof the words "*of civil process,*" and the section as amended was approved.

On motion of Mr. Edwards, to strike out of the 3d section of the Tenth Article these words: "*All officers, civil and mili-*"

tary," and the rest of [the] sentence, ending with the word " *Assembly*," and to insert in lieu thereof the following words :

" All judicial and civil officers now in office, who have been appointed by the General Assembly and commissioned according to law, and all such officers as shall be appointed by said Assembly and commissioned as aforesaid, before the first Wednesday of May next, shall continue to hold their offices until the first day of June next, unless they shall before that time resign or be removed from office according to law. The Treasurer and Secretary shall continue in office until a Treasurer and Secretary shall be appointed under this Constitution. All military officers shall continue to hold and exercise their respective offices until they shall resign or be removed, according to law."

It was determined in the affirmative, and the section, as amended, was approved.

On motion of Mr. T. Pitkin, to strike out the exception in the 3d section of the Tenth Article, in the 3d; 4th and 5th lines, the Convention took the same into consideration : but before any decision therein,

Adjourned until to-morrow morning at 8 o'clock.

#### TUESDAY, SEPTEMBER 15th.

The Journal of yesterday's proceedings was read.

The Convention resumed the consideration of Mr. T. Pitkin's motion, to strike out the exception in the 3d section of the Tenth Article, which was withdrawn by the mover.

A motion was then made by Mr. T. Pitkin, to strike out the Seventh Article relating to *Religion*. The motion was divided, and the question first taken on striking out the 1st section, and was determined in the negative, by yeas and nays, as follows :

#### *For the motion :*

Messrs. N. Terry,  
Hooker,

B. Hart,  
Everest,

S. Pitkin,  
Reed,

H. Terry,  
Dixon,  
T. Pitkin,  
Treadwell,  
A. Church,  
Treat,  
Buell,  
Whittlesey,  
Grannis,  
Mitchell,  
Lusk,  
Fowler,  
Rose,  
Riggs,  
Farnham,  
Todd,  
Benedict,  
Bull,  
Gunn,  
Osborn,  
Thomas,  
Tolls,  
Isham,  
Abel,  
Whiting,

L. Sanford,  
Burton,  
Bennett,  
Perkins,  
Payne,  
Frost,  
Fuller,  
Griffing,  
Matthewson,  
Ingalls,  
G. Larned,  
Childs,  
Hayden,  
Mills,  
Lambert,  
Swift,  
Burnham,  
Hale,  
North,  
Brace,  
Austin,  
Marsh,  
A. Pettibone,  
Jos. Battell,  
Trowbridge,

Swan,  
Everett,  
Hinsdale,  
W. Battell,  
Tallmadge,  
H. Marshall,  
Baldwin,  
Platt,  
Miller,  
Brainerd,  
Huntington,  
Hungerford,  
Elliot,  
Lane,  
Nott,  
Sill,  
Alvord,  
Root,  
Edgerton,  
Willey,  
B. Phelps,  
Pease,  
Talcott.

79 yeas.

*Against the motion,*

Messrs. Sylv. Wells,  
S. Hart,  
Norton,  
R. Pitkin,  
Jenks,  
Sam'l Wells,  
Wilcox,  
Barker,  
E. Phelps,  
J. Pettibone, jun.,  
Jones,  
Morse,  
E. Marshall,  
J. Phelps,  
Bristol,  
N. Smith,  
Hull,  
C. Shelton,  
R. Pierpont,  
Clark,  
D. Tomlinson,  
Marks,

Miles,  
Adams,  
Ives,  
Manwaring,  
Larned,  
Turner,  
Lanman,  
Fox,  
J. Hyde,  
Daboll,  
W. Williams,  
Braman,  
M. Warren,  
Brockway,  
Comstock,  
C. Smith,  
W. Randall, jun.,  
Palmer,  
Kimball,  
W. Randall,  
Gallup,  
Avery,

Hill,  
G. Tomlinson,  
Starr,  
Cook,  
Lacey,  
C. Sanford,  
Lockwood,  
T. S. Wells,  
W. Shelton,  
Seeley,  
Barnum,  
Botsford,  
Fairman,  
Gregory,  
Eversley,  
King,  
Gilbert,  
Graves,  
Stevens,  
Weed,  
Edwards,  
Fairchild,

Burton,	Nicholls,	A. Wolcott,
A. Gregory,	Keigwin,	Stow,
Sturges,	O. Wolcott,	Sage,
Webb,	Welch,	Hurd,
Waldo,	Burrall,	Lyman,
Byles,	Douglas,	Guernsey,
R. W. Williams,	Pinney,	Chapman,
L. Warren,	Phelps,	Young,
Hutchins,	St. John,	Burrows,
Tilden,	Merwin,	Peters,
Babcock,	Butler,	E. Hyde,
Freeman,	D. Johnson,	N. Johnson,
Gurley,	S. Church,	Crawford,
Woodward,	Bushnell,	Paul,
Dunlap,	Perry,	Sibley,
Hall,	Bacon,	Brigham.
114 nays.		

On motion of Mr. Mitchell, to amend the 2d section, by inserting after the word "*thereupon*," these words: "*No longer belong to said corporation, and*,"—it was determined in the negative.

The question was then taken on the other part of the motion, to strike out the said 2d section, and was determined in the negative, by yeas and nays, as follows :

*For the motion,*

Messrs. Hooker,	Todd,	Childs,
B. Hart,	R. Pierpont,	Hayden,
S. Pitkin,	Benedict,	Mills,
Jenks,	Bull,	Lambert,
H. Terry,	Gunn,	Swift,
Dixon,	Osborn,	Hale,
T. Pitkin,	Thomas,	North,
Treadwell,	Tolls,	Brace,
A. Church,	Isham,	Austin,
Treat,	Abel,	Marsh,
Buell,	Whiting,	A. Pettibone,
Whittlesey,	Burton,	J. Battell,
Grannis,	Perkins,	Trowbridge,
Mitchell,	Payne,	Swan,
Lusk,	Frost,	Everett,
Fowler,	Fuller,	Hinsdale,
Rose,	E. Griffing,	W. Battell,
Riggs,	Ingalls,	Tallmadge,
Farnham,	McClellan,	Baldwin,

Platt,  
Miller,  
Brainerd,  
Hungerford,  
Elliott,

Lane,  
Nott,  
Sill,  
Alvord,  
Root,

Edgerton,  
Willey,  
B. Phelps,  
Pease,  
Talcott.

72 years.

*Against the motion :*

Messrs. Sylv. Wells,  
S. Hart,  
Norton,  
R. Pitkin,  
Sam'l Wells,  
Wilcox,  
Barker,  
E. Phelps,  
J. Pettibone, jr.,  
Jones,  
Morse,  
E. Marshall,  
J. Phelps,  
Bristol,  
N. Smith,  
Hull,  
C. Shelton,  
Clark,  
D. Pierpont,  
D. Tomlinson,  
Marks,  
Miles,  
Adams,  
Ives,  
Manwaring,  
Larned,  
Turner,  
Lanman,  
Fox,  
Hyde,  
Daboll,  
W. Williams,  
Braman,  
M. Warren,  
Brockway,  
Comstock,  
C. Smith,  
W. Randall, jun.,

Palmer,  
Kimball,  
W. Randall,  
Gallup,  
Avery,  
Hill,  
G. Tomlinson,  
Starr,  
Cook,  
Lacey,  
Lockwood,  
T. S. Wells,  
W. Shelton,  
Seeley,  
Barnum,  
Botsford,  
Fairman,  
M. Gregory,  
Eversley,  
L. Sanford,  
King,  
Gilbert,  
Graves,  
Stevens,  
Weed,  
Edwards,  
Fairchild,  
A. Gregory,  
Sturges,  
Waldo,  
Webb,  
Byles,  
R. W. Williams,  
L. Warren,  
Hutchins,  
Tilden,  
Babcock,  
Freeman,

Gurley,  
Woodward,  
Dunlap,  
Hall,  
G. Larned,  
Nichols,  
Keigwin,  
O. Wolcott,  
Welch,  
Pinney,  
Burrall,  
A. Phelps,  
Burnham,  
St. John,  
Merwin,  
Butler,  
D. Johnson,  
S. Church,  
H. Marshall,  
Bushnell,  
Perry,  
Bacon,  
A. Wolcott,  
Stow,  
Sage,  
Hurd,  
Lyman,  
Guernsey,  
Chapman,  
Young,  
Burrows,  
Peters,  
E. Hyde,  
N. Johnson,  
Crawford,  
Paul,  
Sibley,  
Brigham.

114 nays.

On motion of Mr. N. Terry, to insert next after the word "*association*," in the 9th line of the 1st section of the Seventh Article, these words: "*But every person now belonging to such congregation, church, or religious association, shall remain a member thereof, until he shall have separated himself therefrom in the manner hereinafter provided*," and to insert "*And*," instead of "*But*," next after,—it was determined in the affirmative.

On motion of Mr. N. Terry, further to amend said section, by inserting next after the words "*members of*," in the last line but one, these words: "*of any such society to be laid by a major vote of the legal voters assembled at any society meeting warned and held according to law*," and striking out the words "*of their respective societies only*,"—it was determined in the affirmative.

On motion of Mr. G. Tomlinson, to amend the 1st section of the Fifth Article, by striking out the words "*of errors, a superior court*," and inserting in lieu thereof these words: "*which shall consist of a chief judge, and not more than four other judges*:" The motion was divided, and the question on striking out decided in the negative. So the motion was lost.

Mr. Edwards offered the following resolution, which was adopted, to wit:

*Resolved*, That this Convention, at 5 o'clock this afternoon, will take the final question on the adoption or rejection of the Constitution, by yeas and nays.

On motion of Mr. Butler, the 12th section of the Fourth Article was transposed, and placed next after the 18th [17th] section, so as to be numbered the 18th section, and the numbers of the sections between the 12th and 19th sections were changed in conformity to that arrangement.

On motion of Mr. Edwards, the draft of the Constitution was referred to the engrossing committee, for the purpose of correcting verbal inaccuracies and errors in phraseology.

On motion of Mr. Pitkin, to amend the 3d section of the Third Article, by adding thereto, at the end, these words :

“In case a new town shall hereafter be incorporated, such new town shall be entitled to one Representative only ; and if such new town shall be made from one or more towns, the town or towns from which the same shall be made shall be entitled to the same number of Representatives as at present allowed ; unless the number shall be reduced by the consent of such town or towns.”

It was determined in the affirmative, and the section was approved as amended:

On motion of Mr. Dixon, to insert in the 20th section of the Fourth Article, after the words “*said Assembly*,” in the 4th line, these words : “*and shall become bound with sufficient sureties to the Treasurer of the State for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law.*” [It was decided in the affirmative.]

On motion of Mr. Stow, to amend the amendment last made to the 1st section of the Seventh Article, by inserting the word “*only*,” next after the words “*such society*,”—it was decided in the affirmative.

On motion of Mr. Dixon, to strike out of the 7th section of the First Article the words “*or indictments*,”—it was determined in the affirmative.

The motion formerly made by Mr. Mitchell, to add a 23d section to the Bill of Rights, was considered and determined in the negative.

On motion of Mr. N. Terry, to amend the 2d section of the Third Article, by striking out the first part thereof, ending with the word “*Hartford*,” in the 7th line, and inserting, in lieu thereof, these words : “*There shall be two stated sessions of the General Assembly, to be holden in each year, one at Hartford, on the second Thursday of May, and the other at New Haven, on the second Thursday of October*,”—it was determined in the negative.

The Convention ordered a recess for half an hour: met again at 5 o'clock P. M. when the Draft of the Constitution, as amended and approved when read by sections, was read



through for the last time before the final question of acceptance or rejection.

The Constitution was then accepted and approved, by yeas and nays. Yeas 134—nays 61, as follows, to wit:—

*In favor of the Constitution which has been read :*

Messrs. Sylv'r Wells,	Brockway,	Babcock,
N. Terry,	Comstock,	Freeman,
S. Hart,	C. Smith,	Gurley,
Norton,	Wm. Randall, jun.,	Woodward,
R. Pitkin,	Palmer,	Dunlap,
Reed,	Kimball,	Matthewson,
Jenks,	Wm. Randall,	Hall,
H. Terry,	Gallup,	G. Larned,
Dixon,	Avery,	Nichols,
Sam'l Wells,	Hill,	Keigwin,
Wilcox,	Tomlinson,	McClellan,
Barker,	Starr,	O. Wolcott,
Elisha Phelps,	Cook,	Welch,
J. Pettibone, jun.,	Lacey,	Burrall,
Jones,	Lockwood,	Douglas,
Morse,	T. S. Wells,	Pinney,
Mitchell,	Wm. Shelton,	A. Phelps,
E. Marshall,	Seeley,	Burnham,
Josiah Phelps,	Barnum,	Hale,
Bristol,	Botsford,	North,
N. Smith,	Fairman,	St. John,
Hull,	M. Gregory,	Merwin,
Chas. Shelton,	Eversley,	A. Pettibone,
Todd,	Whiting,	J. Battell,
R. Pierpont,	L. Sanford,	Butler,
Clark,	King,	Trowbridge,
D. Pierpont,	Gilbert,	S. Church,
D. Tomlinson,	Graves,	D. Johnson,
Osborn,	Edwards,	H. Marshall,
Andrews,	Burton,	Bushnell,
Marks,	A. Gregory,	Miller,
Miles,	Bennett,	Stow,
Adams,	Sturges,	Sage,
Ives,	Webb,	Hurd,
Manwaring,	Waldo,	Lyman,
Larned,	Byles,	Guernsey,
Turner,	R. W. Williams,	Brainerd,
Lanman,	Fuller,	Huntington,
Fox,	E. Griffing,	Hungerford,
Daboll,	L. Warren,	Chapman,
Wm. Williams,	Hutchins,	Young,
Braman,	Tilden,	Alvord,

Burrows,  
Peters,  
E. Hyde,

N. Johnson,  
Crawford,  
Paul,

Sibley,  
Brigham.  
134 yeas.

*Against the Constitution which has been read :*

Messrs. Hooker,  
B. Hart,  
Everest,  
S. Pitkin,  
T. Pitkin,  
Treadwell,  
A. Church,  
Treat,  
Buell,  
Whittlesey,  
Grannis,  
Lusk,  
Fowler,  
Rose,  
Riggs,  
Farnham,  
Benedict,  
Bull,  
Gunn,  
Thomas,  
Tolls,

Deming,  
Isham,  
J. Hyde,  
Abel,  
C. Sanford,  
Stevens,  
Weed,  
Fairchild,  
Perkins,  
Payne,  
Frost,  
Ingalls,  
Childs,  
Hayden,  
Mills,  
Lambert,  
Swift,  
Brace,  
Austin,  
Marsh,  
Swan,

Everett,  
Hinsdale,  
W. Battell,  
Tallmadge,  
Baldwin,  
Platt,  
Perry,  
Bacon,  
A. Wolcott,  
Elliott,  
Lane,  
Nott,  
Sill,  
Root,  
Edgerton,  
Willey,  
B. Phelps,  
Pease,  
Talcott.—nays 61.

Yeas 134—nays 61—majority 73.

On motion,

*It was resolved*, That twenty dollars be allowed to his Excellency, Governor Wolcott, for his extra services as President of this Convention.

On motion,

*Resolved*, That there be allowed to the Honorable James Lanman, and Robert Fairchild, Esqrs., twenty-five dollars each, for their extra services as Clerks of this Convention.

On motion,

*Resolved*, That there be allowed to the Rev. Messrs. Flint, Hawes, Cushman and Nichols, twelve dollars each for attending as Chaplains on this Convention.

*Resolved*, That the clerks be a committee to examine and tax the bills of the sheriff, and the incidental expenses attending the Convention.

The report of the committee appointed to make up the de-

benture was accepted, and it was ordered the Treasurer pay to the several persons named therein the sums affixed to their names, respectively.\*

The following resolution was offered by Mr. Tomlinson, viz :

In Convention, September 15th, A. D. 1818.

*Resolved*, That the Constitution, which has been formed and approved by this Convention, shall be signed by the President, countersigned by the clerks, and deposited in the office of the Secretary. And it shall be the duty of the Secretary forthwith to transmit seven hundred copies thereof to the town-clerks of the several towns in this State, which copies shall be apportioned among said towns according to their respective lists. The said Constitution shall, by said town-clerks, be submitted to the consideration of the qualified voters in said towns for their approbation and ratification, on the first Monday of October next, in the respective town-meetings legally warned for that purpose.

And that the number required to approve and ratify said Constitution be a majority of the qualified voters present and voting at such meetings, to be convened agreeably to the resolution of the General Assembly in such case provided, passed at their session in May last.

Which was adopted.

On a motion made, that *three-fifths* of the number of votes to be given by the freemen on the question of ratifying the Constitution be required to ratify and adopt the same,—it was determined in the negative.

A similar question was then taken on the number of *four-sevenths*, and then on *five-ninths*, both of which were determined in the negative.

A motion was then made, that a majority of the qualified voters present and voting at the town-meetings, to be convened for the purpose of ratifying or rejecting the Constitution, be required to ratify the same.

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\* From the Comptroller's Report in 1819, it appears that the total cost of the Convention, including printing, was \$11,313.25.

WEDNESDAY, SEPTEMBER 16th.

The Journal of yesterday's proceedings was read.

On motion of Mr. Edwards, the journal of last Monday's proceedings was corrected, by inserting a clause in the Constitution, which was approved and adopted on that day, but which, by mistake, was not then entered on the journal, in the following words:

"The Governor and Lieutenant Governor, and the General Assembly which is to be formed in October next, shall have and possess all the powers and authorities, not repugnant to or inconsistent with this Constitution, which they now have and possess, until the first Wednesday of May next."

To be added at the end of the 3d section of the Tenth Article.

On motion of Mr. Lanman,

*Resolved*, That the thanks of this Convention be presented to his Excellency, Governor Wolcott, for the very acceptable and impartial manner in which he has discharged the duties of President of this Convention.

On which the President made a suitable and impressive address to the Convention.

JAMES LANMAN,  
ROBERT FAIRCHILD, } *Clerks.*

IN CONVENTION, AT HARTFORD,  
this 16th day of September, 1818.

HARTFORD, SEPTEMBER 16TH, A. D. 1818.

Agreeably to the Resolve of the Convention, a copy of the Constitution duly engrossed was procured, signed by the President of the Convention, countersigned by the Clerks, and deposited in the hands of the Secretary. A copy also of the Resolve of the Convention passed yesterday, directing copies of the Constitution to be printed and transmitted to the respective town-clerks in this State, &c., was delivered to the Secretary.

JAMES LANMAN, } *Clerks of the*  
ROBERT FAIRCHILD, } *Convention.*

*Printed Copy annexed to the Journal, and referred to therein.*

*R. FAIRCHILD, Clerk.*

16 Sep., 1818.

1 The Committee to whom was referred the  
2 subject of drafting a Constitution to be sub-  
3 mitted to the consideration of the Conven-  
4 tion beg leave to report in part—the follow-  
5 ing preamble and Bill of rights.

Per Order

PIERPONT EDWARDS, *Chairman.*

#### PREAMBLE.

1 The people of Connecticut acknowledging with  
2 gratitude, the good providence of God in having  
3 permitted them to enjoy a free government, do,  
4 in order more effectually to define, secure, and per-  
5 petuate the liberties, rights and privileges which  
6 they have derived from their ancestors, hereby, after  
7 a careful consideration and revision, ordain and  
8 establish the following Constitution and form of  
9 civil Government.

## ARTICLE I.

## DECLARATION OF RIGHTS.

1 That the general, great, and essential principles  
2 of Liberty and Free Government may be recognized  
3 and established----

## WE DECLARE,

1 *Sec. 1.* That all men when they form a social  
2 compact, are equal in rights; and that no man, or  
3 set of men, are entitled to exclusive separate public  
4 emoluments or privileges from the community.

1 *Sec. 2.* That all political power is inherent in the  
2 people, and all free governments are founded on  
3 their authority, and instituted for their benefit; and  
4 that they have at all times an undeniable and inde-  
5 feasible right to alter their form of government in  
6 such manner as they may think expedient.

1 *Sec. 3.* The exercise and enjoyment of religious  
2 profession and worship, without discrimination, shall  
3 forever be free to all persons in this State, provided  
4 that the right hereby declared and established, shall  
5 not be so construed as to excuse acts of licentious-  
6 ness, or to justify practices inconsistent with the  
7 peace, and safety, of the State.

1 *Sec. 4.* No preference shall be given by law, to  
2 any religious sect or mode of worship.

1   *Sec. 5.* No person shall be molested for his  
 2 opinions on any subject whatever, nor suffer any  
 3 civil or political incapacity, or acquire any civil or  
 4 political advantage, in consequence of such opinions,  
 5 except in cases provided for in this Constitution.

1   *Sec. 6.* Every citizen may freely speak, write,  
 2 and publish his sentiments on all subjects, being re-  
 3 sponsible for the abuse of that liberty.

1   *Sec. 7.* No law shall ever be passed to curtail or  
 2 restrain the liberty of speech, or of the press.

1   *Sec. 8.* In all prosecutions or indictments for  
 2 libels, the truth may be given in evidence and the  
 3 jury shall have the right to determine the law and  
 4 the facts, under the direction of the Court.

1   *Sec. 9.* The people shall be secure in their per-  
 2 sons, houses, papers and possessions from unreason-  
 3 able searches or seizures; and no warrant to search  
 4 any place, or to seize any person or things, shall  
 5 issue without describing them as nearly as may be,  
 6 nor without probable cause, supported by oath or  
 7 affirmation.

1   *Sec. 10.* In all criminal prosecutions the accused  
 2 hath a right to be heard by himself and by coun-  
 3 sel; to demand the nature and cause of the accus-  
 4 ation; to be confronted by the witnesses against  
 5 him; to have compulsory process to obtain wit-  
 6 nesses in his favor; and in all prosecutions by in-  
 7 dictment or information, a speedy, public trial, by  
 8 an impartial Jury. He cannot be compelled to  
 9 give evidence against himself nor be deprived of

10 life, liberty, or property, but by due course of  
11 law.

1 *Sec. 11.* No person shall be accused, arrested, or  
2 detained, except in cases ascertained by law, and  
3 according to forms which the same has prescribed ;  
4 and no person shall be punished, but in virtue of a  
5 law established and promulgated prior to the of-  
6 fence and legally applied.

1 *Sec. 12.* The property of no person shall be taken  
2 for public use, without just compensation therefor.

1 *Sec. 13.* All Courts shall be open, & every per-  
2 son for an injury done him in his lands, goods, per-  
3 son or reputation, shall have remedy, by due course  
4 of law, and right and justice be administered with-  
5 out sale, denial, or delay.

1 *Sec. 14.* Excessive bail shall not be required, nor  
2 excessive fines imposed.

1 *Sec. 15.* All prisoners shall, before conviction, be  
2 bailable by sufficient sureties except for capital of-  
3 fences, where the proof is evident, or the presump-  
4 tion great ; and the privilege of the writ of Habeas  
5 Corpus shall not be suspended, unless when in case  
6 of rebellion or invasion the public safety may re-  
7 quire it.

1 *Sec. 16.* No person shall be attainted of Treason,  
2 or Felony, by the Legislature.

1 *Sec. 17.* The citizens have a right, in a peaceable  
2 manner to assemble together for their common  
3 good, and to apply to those invested with the pow-



4 ers of government, for redress of grievances, or  
5 other proper purposes, by petition, address, or re-  
6 monstrance.

1 *Sec. 18.* Every citizen has a right to bear arms in  
2 defence of himself and the State.

1 *Sec. 19.* The military shall in all cases, and at all  
2 times, be in strict subordination to the civil power.

1 *Sec. 20.* No soldier shall in time of peace be  
2 quartered in any house, without the consent of the  
3 owner ; nor in time of war, but in a manner to be  
4 prescribed by law.

1 *Sec. 20.* No hereditary emoluments, privileges,  
2 or honors shall ever be granted, or conferred, in  
3 this State.

1 *Sec. 22.* No citizen of this State shall be exiled,  
2 or prevented from emigrating on any pretence  
3 whatever.

1 *Sec. 22.* The right of trial by Jury shall remain  
2 inviolate.

THE COMMITTEE,  
TO WHOM WAS REFERRED THE CONSIDERATION OF THE  
SUBJECT OF DRAFTING

A C O N S T I T U T I O N ,  
TO BE SUBMITTED TO THE CONVENTION,

BEG LEAVE

*TO RĒPORT IN PART.*

Per order,

PIERPONT EDWARDS,  
*Chairman.*

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## ARTICLE SECOND.

### DISTRIBUTION OF POWERS.

1 § 1. The powers of government shall be divi-  
2 ded into three distinct departments, and each  
3 of them confided to a separate body of magis-  
4 tracy—to wit—those which are Legislative, to  
5 one ; those which are Executive to another, and  
6 those which are Judicial to another.

1 § 2. No person or collection of persons, being  
2 of one of those departments, shall exercise any  
3 power properly belonging to either of the others,  
4 except in the instances herein after expressly di-  
5 rected or permitted.

## ARTICLE THIRD.

## OF THE LEGISLATIVE DEPARTMENT.

1 § 1. The Legislative power of this State shall  
 2 be vested in two distinct houses or branches; the  
 3 one to be styled THE SENATE, the other THE  
 4 HOUSE OF REPRESENTATIVES, and both togeth-  
 5 er THE GENERAL ASSEMBLY. The style  
 6 of their laws shall be, *Be it enacted by the Sen-  
 7 ate and House of Representatives of the State of  
 8 Connecticut, in General Assembly convened.*

1 § 2. There shall be one stated session of the  
 2 General Assembly, to be holden in each year, al-  
 3 ternately at Hartford and New Haven, on the  
 4 first Wednesday of May; and at such other times  
 5 as the General Assembly shall judge necessary ;  
 6 the first session to be holden at Hartford : but  
 7 the person administering the office of Governor,  
 8 may on special emergencies, convene the Gene-  
 9 eral Assembly at either of said places, at any  
 10 other time. And in case of danger from the  
 11 prevalence of contagious diseases in either of  
 12 said places, or other circumstances, the person  
 13 administering the office of Governor may, by  
 14 Proclamation, convene said Assembly at any  
 15 other place in this State.

1 § 3. The House of Representatives shall con-  
 2 sist of freemen residing in towns from which  
 3 they are elected. The number of Representa-  
 4 tives from each town shall be the same as at pre-  
 5 sent allowed and practised ; but the General  
 6 Assembly may reduce the number, provided  
 7 that there shall be always at least one Repre-  
 8 sentative from each town.

1 § 4. The Senate shall consist of twelve mem-  
 2 bers, to be chosen annually by the Freemen,  
 3 provided the General Assembly may within two  
 4 years after taking of the next census of the Uni-  
 5 ted States, increase the Senate to a number not  
 6 exceeding twenty-one, and shall, within said  
 7 time, divide the State into such number of Sen-  
 8 atorial districts as they may think necessary.

1 § 5. At the meetings of the Freemen held in  
 2 the several towns in this state in April annually  
 3 after the election of Representatives, each of the  
 4 Freemen present shall be invited to present  
 5 written ballots for the Senators. The Modera-  
 6 tor or presiding officer shall receive the votes of  
 7 the Freemen, and count and declare them in  
 8 open Freemen's meeting. The presiding offi-  
 9 cer shall also make duplicate lists of the per-  
 10 sons voted for and of the number of votes for  
 11 each, which shall be certified by the presiding  
 12 officer ; one of which lists shall be delivered to  
 13 the Town Clerk, and the other within ten days  
 14 after said meeting shall be delivered under seal  
 15 either to the Secretary of State or to the Sher-  
 16 iff of the County in which said town is situated,  
 17 which copy shall be directed to the Secretary of  
 18 State, with a superscription expressing the pur-  
 19 port of the contents thereof. And each Sheriff  
 20 who shall receive such votes shall within fifteen  
 21 days after said Freemen's meeting, deliver, or  
 22 cause them to be delivered to the Secretary  
 23 of State.

1 § 6. The Secretary of State, Treasurer and  
 2 Comptroller, for the time being shall canvass  
 3 the votes publicly. The twelve persons having

4 the greatest number of votes for Senators,  
 5 shall be declared to be elected. But in ca-  
 6 ses where no choice is made by the Freemen in  
 7 consequence of an equality of votes, the House  
 8 of Representatives shall designate by ballot  
 9 which of the candidates having such equal  
 10 number of votes, shall be declared to be elected.  
 11 The return of votes, and the result of the can-  
 12 vass, shall be submitted to the House of Re-  
 13 presentatives, and also to the Senate, on the  
 14 first day of the session of the General Assem-  
 15 bly, and each House shall be the final judge of  
 16 the election returns and qualifications of its  
 17 own members.

1 § 7. The House of Representatives when as-  
 2 sembled, shall choose a Speaker, Clerk, and  
 3 other officers. The Senate shall choose its  
 4 Clerk and other officers, except the President.  
 5 A majority of each House shall constitute a quo-  
 6 rum to do business; but a smaller number may  
 7 adjourn from day to day, and compel the attend-  
 8 ance of absent members in such manner, and  
 9 under such penalties as each house may pre-  
 10 scribe.

1 § 8. Each House shall determine the rules of  
 2 its own proceedings, punish members for disor-  
 3 derly conduct, and with the consent of two  
 4 thirds expel a member, but not a second time for  
 5 the same cause, and shall have all other powers  
 6 necessary for a branch of the Legislature of a  
 7 free and independent State.

1 § 9. Each House shall keep a journal of its  
 2 proceedings and publish the same when requi-  
 3 red by one fifth of its members, except such parts

4 as in the judgement of a majority may require  
 5 secrecy. The yeas and nays of the members of  
 6 either House shall at the desire of one fifth of  
 7 those present, be entered on the journals.

1 § 10. The Senators and Representatives shall  
 2 in all cases except treason, felony or breach of  
 3 the peace, be privileged from arrest during the  
 4 session of the General Assembly, and for four  
 5 days before the commencement, and after the  
 6 termination of any session thereof. And for  
 7 any speech or debate in either house, they shall  
 8 not be questioned in any other place.

1 § 11. The doors of each house shall be open  
 2 except on such occasions as in the opinion of the  
 3 House may require secrecy.

## ARTICLE FOURTH.

### EXECUTIVE DEPARTMENT.

1 § 1. The supreme executive power of the State  
 2 shall be vested in a Governour, who shall be  
 3 elected by the freemen of the State and, shall  
 4 hold his office for one year from the first Wed-  
 5 nesday of May next succeeding his election and  
 6 until his successor be duly qualified. No per-  
 7 son who is not a freeman of this State and who  
 8 has not arrived at the age of thirty-five years shall  
 9 be eligible.

1 § 2. At the annual meetings of the freemen of  
 2 the respective Towns in the month of April im-  
 3 mediately after the election of Senators, the pre-  
 4 siding officers shall invite the freemen to present  
 5 ballots for him they would elect to be Governor

6 with his name fairly written. Duplicate lists  
 7 of such ballots shall, in the presence of the free-  
 8 men be made and certified by the presiding offi-  
 9 cer, one of which lists shall be deposited in the  
 10 office of the Town Clerk and the other transmit-  
 11 ted to the Secretary of State, or Sheriff of the  
 12 County, within ten days after the said meetings.  
 13 The Secretary of State, Treasurer and Comp-  
 14 troller, for the time being, shall during the month  
 15 of April, canvass the returns of the presiding  
 16 officer, and publish the name of the person hav-  
 17 ing a majority of the whole number of votes,  
 18 who shall be declared to be elected. But if no  
 19 person shall have a majority of the whole num-  
 20 ber of votes returned, or if two or more shall  
 21 have an equal and the highest number of votes,  
 22 then the names of the two persons having the  
 23 highest number of votes, or the name of the per-  
 24 sons having an equal and highest number of  
 25 votes (as the case may be) shall be returned to  
 26 the General Assembly at their then next ses-  
 27 sion, and one of them shall be chosen Governor  
 28 on the second day of the session of the said Gen-  
 29 eral Assembly, by the joint ballots of both hou-  
 30 ses, without previous debate. Contested Elec-  
 31 tions for the Governor or Lieutenant Governor  
 32 shall be determined by both Houses of the Gen-  
 33 eral Assembly, in such manner as shall be pre-  
 34 scribed by law.

1 § 3. At the annual meetings of the freemen,  
 2 immediately after the election of Governor,  
 3 there shall also be chosen in the same manner  
 4 as is hereín before provided for the election of  
 5 Governor, a Lieutenant Governor, who shall

6 continue in office for the same time, and pos-  
7 sess the same qualifications.

1 § 4. The compensations of the Governor and  
2 Lieutenant Governor shall be established by  
3 law, and shall not be varied so as to take effect  
4 until after an election, which shall next succeed  
5 the passage of the law establishing said com-  
6 pensation.

1 § 5. The Governor shall be Captain General of  
2 the Militia of the State, except when called  
3 into the Service of the United States.

1 § 6. He may require information in writing  
2 from the officers in the executive department on  
3 any subject relating to the duties of their re-  
4 spective offices.

1 § 7. The Governor, in case of a disagreement  
2 between the two Houses respecting the time of  
3 adjournment, may adjourn them to such time  
4 as he shall think proper, not beyond the day of  
5 the next stated session.

1 § 8. He shall from time to time, give to the  
2 General Assembly, information of the state of  
3 the government, and recommend to their con-  
4 sideration, such measures as he shall deem ex-  
5 pedient.

1 § 9. He shall take care that the laws be faith-  
2 fully executed.

1 § 10. The Governor shall have the power to  
2 grant reprieves and pardons, after conviction, in  
3 all cases except those of impeachment, and in  
4 capital cases, and to remit fines and penalties  
5 under such rules and regulations as may be



6 prescribed by law, and in case of a conviction  
7 for a capital offence, he may respite the sentence  
8 until after the session of the next General As-  
9 sembly.

1 § 11. All Commissions shall be in the name  
2 and by the authority of the State of Connecti-  
3 cut ; shall be sealed with the State Seal, sign-  
4 ed by the Governor, and attested by the Secre-  
5 tary of State.

1 § 12. A Secretary of State shall be appointed  
2 in such manner as the General Assembly shall  
3 direct. He shall have the safe keeping and cus-  
4 tody of the public records and documents, and  
5 particularly of the Acts, resolutions and orders  
6 of the General Assembly, and record the same,  
7 and perform all such duties as shall be prescrib-  
8 ed by law. He shall be the keeper of the Seal  
9 of the State, which shall not be altered.

1 § 13. Every bill which shall have passed both  
2 Houses of the General Assembly, shall be pre-  
3 sented to the Governor. If he approves he shall  
4 sign it, but if not he shall return it to the House  
5 in which it originated ; who shall enter the ob-  
6 jections at large upon their Journal, and pro-  
7 ceed to reconsider it. If after such reconsider-  
8 ation, that House shall again pass it, it shall be  
9 sent with the objections, to the other House,  
10 which shall also reconsider it. If approved, it  
11 shall become a Law. But in such cases the  
12 votes of both Houses shall be determined by  
13 Yeas and Nays ; and the names of the members  
14 voting for and against the Bill, shall be entered  
15 on the Journals of each House respectively.

16 If the Bill shall not be returned by the Gover-  
 17 nor within three days, (Sundays excepted) af-  
 18 ter it shall have been presented to him, the  
 19 same shall be a law in like manner as if he had  
 20 signed it ; unless the General Assembly, by  
 21 their adjournment, prevents its return, in which  
 22 case it shall not be a law.

1 § 14. The Lieutenant Governor shall, by vir-  
 2 tue of his office, be President of the Senate, and  
 3 have, when in committee of the whole, a right  
 4 to debate, and when the Senate is equally divi-  
 5 ded, to give the casting vote.

1 § 15. In case of the death, resignation, refusal  
 2 to serve, or removal from office of the Gover-  
 3 nor, or of his impeachment, or absence from the  
 4 State, the Lieutenant Governor shall exercise  
 5 the powers and authority appertaining to the  
 6 office of Governor, until another be chosen at  
 7 the next periodical election for Governor, and  
 8 be duly qualified ; or until the Governor im-  
 9 peached or absent shall be acquitted or return.

1 § 16. When the government shall be adminis-  
 2 tered by the Lieutenant Governor, or he shall  
 3 be unable to attend as President of the Senate,  
 4 the Senate shall elect one of their members, as  
 5 President, *pro tempore*. And if during the va-  
 6 cancy of the office of Governor, the Lieutenant  
 7 Governor shall die, resign, refuse to serve, or  
 8 be removed from office, or if he shall be im-  
 9 peached, or absent from the State, the Presi-  
 10 dent of the Senate, *pro tempore*, shall in like  
 11 manner administer the government until he be

12 superseded by a Governor or Lieutenant Gov-  
13 ernor.

1 § 17. If the Lieutenant Governor shall be re-  
2 quired to administer the Government, and  
3 shall while in such administration, die or resign  
4 during the recess of the General Assembly, it  
5 shall be the duty of the Secretary of State for  
6 the time being, to convene the Senate for the  
7 purpose of choosing a President *pro tempore*.

1 § 18. A State Treasurer shall be annually cho-  
2 sen by the Freemen at their Freemen's meeting  
3 in April, and the votes shall be counted, declar-  
4 ed, returned, and canvassed in the same manner  
5 as is provided for the election of Governor and  
6 Lt. Governor, but the votes for Treasurer shall  
7 be canvassed by the Secretary and Comptroller  
8 only. He shall receive all monies belonging to  
9 the State, and disburse the same only as he may  
10 be directed by law. He shall pay no warrant  
11 or order for the disbursement of public money  
12 until the same has been registered in the office  
13 of the Comptroller.

1 § 19. A Comptroller of the public accounts shall  
2 be annually appointed by the General Assem-  
3 bly. He shall adjust and settle all public ac-  
4 counts and demands, except Grants and Orders  
5 of the General Assembly. He shall prescribe  
6 the mode of keeping and rendering all public  
7 accounts. He shall *ex-officio* be one of the Au-  
8 ditors of the accounts of the Treasurer. The  
9 General Assembly may assign to him other du-  
10 ties in relation to his office and those of the

11 Treasurer, and shall prescribe the manner in  
12 which his duties shall be performed.

1 § 20. A Sheriff shall be appointed in each  
2 County, by the General Assembly, who shall  
3 hold his office for three years.

1 § 21. A statement of all receipts, payments,  
2 funds and debts of the State shall be published  
3 from time to time, in such manner, and at such  
4 periods as shall be prescribed by law.

THE COMMITTEE,  
TO WHOM WAS REFERRED THE CONSIDERATION  
OF THE SUBJECT OF DRAFTING A  
CONSTITUTION,  
OF CIVIL GOVERNMENT,  
BEG LEAVE FURTHER TO REPORT IN PART.

Signed per order,

PIERPONT EDWARDS,

*Chairman.*

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ARTICLE FIFTH.  
  
OF THE JUDICIAL DEPARTMENT.

1 § 1. The Judicial power of the State  
2 shall be vested in a Supreme Court of Er-  
3 rors, a superior Court, and such inferior  
4 Courts as the General Assembly shall from  
5 time to time, ordain and establish. The  
6 powers and jurisdiction of which Courts  
7 shall be defined by law.

1 § 2. There shall be appointed in each  
2 County, a sufficient number of Justices of  
3 the Peace, with such jurisdiction in civil  
4 and criminal cases as the General Assem-  
5 bly may prescribe.

1 § 3. The Judges of the Supreme Court  
2 of Errors, of the Superior & Inferior Courts  
3 and all Justices of the Peace shall be ap-  
4 pointed by the General Assembly. The  
5 Judges of the Supreme Court and of the  
6 Superior Court, shall hold their offices  
7 during good behaviour; but may be remo-  
8 ved by impeachment; and the Governor  
9 shall also remove them on the address of  
10 two thirds of the members of each house  
11 of the General Assembly; all other Judg-  
12 es and Justices of the peace shall be ap-  
13 pointed annually. No Judge or Justice  
14 of the Peace shall be capable of holding  
15 his office after he shall have arrived to  
16 the age of seventy years.

## ARTICLE SIXTH.

### QUALIFICATIONS OF ELECTORS.

1 § 1. All persons who have been, or shall  
2 hereafter previous to the ratification of this  
3 constitution, be admitted Freemen accord-  
4 ing to the existing laws of this State, shall  
5 be and remain Freemen or electors.

1 § 2. Every white male citizen of the United  
2 States, who shall have attained the age of  
3 twenty-one years, and resided in the town

4 in which he may offer himself to be admit-  
 5 ted to the privilege of an elector or freeman,  
 6 at least six months preceding ; and have a  
 7 freehold estate of the yearly value of seven  
 8 dollars ; or having been enrolled in the mi-  
 9 litia, shall have performed military duty  
 10 therein for the term of one year next pre-  
 11 ceding the time he shall offer himself for  
 12 admission, or being liable thereto, shall  
 13 have been by authority of law excused  
 14 therefrom ; or shall have paid a state tax  
 15 within the year next preceding the term  
 16 he shall present himself for such admission,  
 17 and shall sustain a good moral character,  
 18 shall, on his taking such oath as may be  
 19 prescribed by law, be an elector.

1 § 3. No person shall gain a residence so as to  
 2 render any town chargeable for his support  
 3 merely in consequence of being admitted  
 4 an elector.

1 § 4. The privileges of an elector shall be  
 2 forfeited by a conviction of bribery, forgery,  
 3 perjury, duelling, fraudulent bankruptcy  
 4 or theft.

1 § 5. Every elector shall be eligible to any  
 2 office in this state, except in the cases pro-  
 3 vided for in this Constitution.

1 § 6. The select men of the several towns  
 2 shall decide on the qualifications of electors,  
 3 at such times and in such manner, as  
 4 may be prescribed by law.

1 § 7. Laws shall be made to support the  
2 privilege of free suffrage, prescribing the  
3 manner of regulating and conducting elec-  
4 tions, and other meetings of the electors,  
5 and prohibiting under adequate penalties,  
6 all undue influence therein, from power,  
7 bribery, tumult and other improper conduct.

1 § 8. In all elections of officers of the state,  
2 or members of the general Assembly, or  
3 members of Congress, the votes of the elec-  
4 tors or Freemen shall be by ballot.

1 § 9. At all elections of officers of the  
2 State, or members of the General Assem-  
3 bly, the electors or freemen shall be priv-  
4 ileged from arrest during their attendance  
5 upon, and going to, and returning from,  
6 the same, except in cases of felony or breach  
7 of the peace.

1 § 10. The Freemen's Meetings for the  
2 election of the several State officers by law  
3 annually to be elected, and members of  
4 the General Assembly of this State, shall  
5 be holden on the first Monday of April in  
6 each year.



THE COMMITTEE  
TO WHOM WAS REFERRED THE CONSIDERATION  
OF THE SUBJECT OF DRAFTING A  
CONSTITUTION  
OF CIVIL GOVERNMENT  
TO BE SUBMITTED TO THE CONVENTION,  
BEG LEAVE TO REPORT.

Per order,

PIERPONT EDWARDS,  
*Chairman.*

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ARTICLE SEVENTH.

RELIGION.

1 § 1. It being the right and duty of all men  
2 to worship the Supreme Being, the great  
3 Creator and Preserver of the universe, in  
4 the mode most consistent with the dic-  
5 tates of their consciences; no person shall  
6 be compelled to join or support, nor by law  
7 be classed with, or associated to any con-  
8 gregation, church or religious association.

9 And each and every society or denomination  
 10 of christians in this State, shall have and  
 11 enjoy the same and equal powers, rights  
 12 and privileges ; and shall have power and  
 13 authority to support and maintain the  
 14 Ministers or Teachers of their respective  
 15 denominations, and to build and repair  
 16 houses for public worship, by a tax on the  
 17 members of the respective societies only,  
 18 or in any other manner.

1 § 2. If any person shall choose to separate  
 2 himself from the society or denomination of  
 3 christians to which he may belong, and  
 4 shall leave a written notice thereof with the  
 5 Clerk of such society he shall thereupon be  
 6 no longer liable for any future expences,  
 7 which may be incurred by said society.

## ARTICLE EIGHTH.

### OF EDUCATION.

1 § 1. The charter of Yale College, as modi-  
 2 fied by agreement with the Corporation  
 3 thereof, in pursuance of an act of the Gene-  
 4 ral Assembly passed in May 1792, is hereby  
 5 confirmed.

1 § 2. The fund, called the SCHOOL FUND,  
 2 shall remain inviolably appropriated to the

3 support and encouragement of the public,  
 4 or common schools throughout this State,  
 5 and for the equal benefit of all the people  
 6 thereof. The value and amount of said  
 7 fund, shall, as soon as practicable, be ascer-  
 8 tained in such manner as the General As-  
 9 sembly may prescribe, published & record-  
 10 ed in the Comptroller's office; and no law  
 11 shall ever be made, authorising said fund  
 12 to be diverted to any other use than the  
 13 encouragement and support of public, or  
 14 common schools, among the several  
 15 school societies, as justice and equity shall  
 16 require.

## ARTICLE NINTH.

### OF IMPEACHMENTS.

1 § 1. The House of Representatives shall  
 2 have the sole power of impeaching.

1 § 2. All impeachments shall be tried by  
 2 the Senate. When setting for that purpose  
 3 they shall be on oath or affirmation. No  
 4 person shall be convicted without the con-  
 5 currence of two thirds of the members pre-  
 6 sent. When the Governor is impeached,  
 7 the Chief Justice shall preside.

1 § 3. The Governor, and all other exec-  
 2 utive, and judicial officers, shall be lia-

3 able to impeachment ; but judgments in  
 4 such cases shall not extend further than to  
 5 removal from office, and disqualification to  
 6 hold any office of honor, trust, or profit un-  
 7 der this State. The party convicted shall  
 8 nevertheless be liable, and subject to, in-  
 9 dictment, trial, and punishment, according  
 10 to law.

1 § 4. Treason against the State shall con-  
 2 sist only in levying war against it, or adher-  
 3 ing to its enemies, giving them aid and  
 4 comfort. No person shall be convicted of  
 5 Treason, unless on the testimony of two  
 6 witnesses to the same overt act, or on con-  
 7 fession in open court. No conviction of  
 8 Treason, or attainder, shall work corruption  
 9 of blood, or forfeiture.

## ARTICLE TENTH.

### GENERAL PROVISIONS.

1 § 1. Members of the General Assembly,  
 2 and all officers, executive and judicial,  
 3 shall, before they enter on the duties of  
 4 their respective offices, take the following  
 5 oath or affirmation, to wit.

6 I do solemnly swear (or affirm as the  
 7 case may be) that I will support the Con-  
 8 stitution of the United States, and the Con-

9 stitution of the State of Connecticut, so  
 10 long as I continue a citizen thereof ; and  
 11 that I will faithfully discharge according  
 12 to law, the duties of the office of  
 13 to the best of my abilities.  
 14 So help me God.

1 § 2. Each town shall annually elect Se-  
 2 lect-men, and such officers of local police,  
 3 as the laws may prescribe.

1 § 3. The rights and duties of all corpora-  
 2 tions shall remain as if this Constitution  
 3 had not been adopted. All officers, civil  
 4 and military, shall continue to hold and ex-  
 5 ercise their respective offices, until they  
 6 shall be superseded by the General Assem-  
 7 bly. All laws not contrary to, or inconsis-  
 8 tent with, the provisions of this Constitu-  
 9 tion, shall remain in force until they shall  
 10 expire by their own limitation, or shall be  
 11 altered or repealed, by the General As-  
 12 sembly in pursuance of this Constitution.  
 13 The validity of all bonds, debts,  
 14 contracts, as well of individuals as of bod-  
 15 ies corporate, or the State, of all suits or  
 16 actions, civil, criminal, or penal, whether  
 17 commenced or otherwise, both in law and  
 18 equity, shall continue as if no change had  
 19 taken place.]

1   § 4. No member of Congress ; no per-  
 2 son holding any office under the authority  
 3 of the United States ; no person holding  
 4 the office of Treasurer, Secretary or Comp-  
 5 troller of this State ; no Sheriff or Sheriff's  
 6 Deputy, shall be a member of the Gene-  
 7 ral Assembly.

1   § 5. Every bill for a resolve, or public  
 2 act, or application to the General Assem-  
 3 bly for a gratuitous grant of money, shall  
 4 be continued to the next stated session of  
 5 the General Assembly.

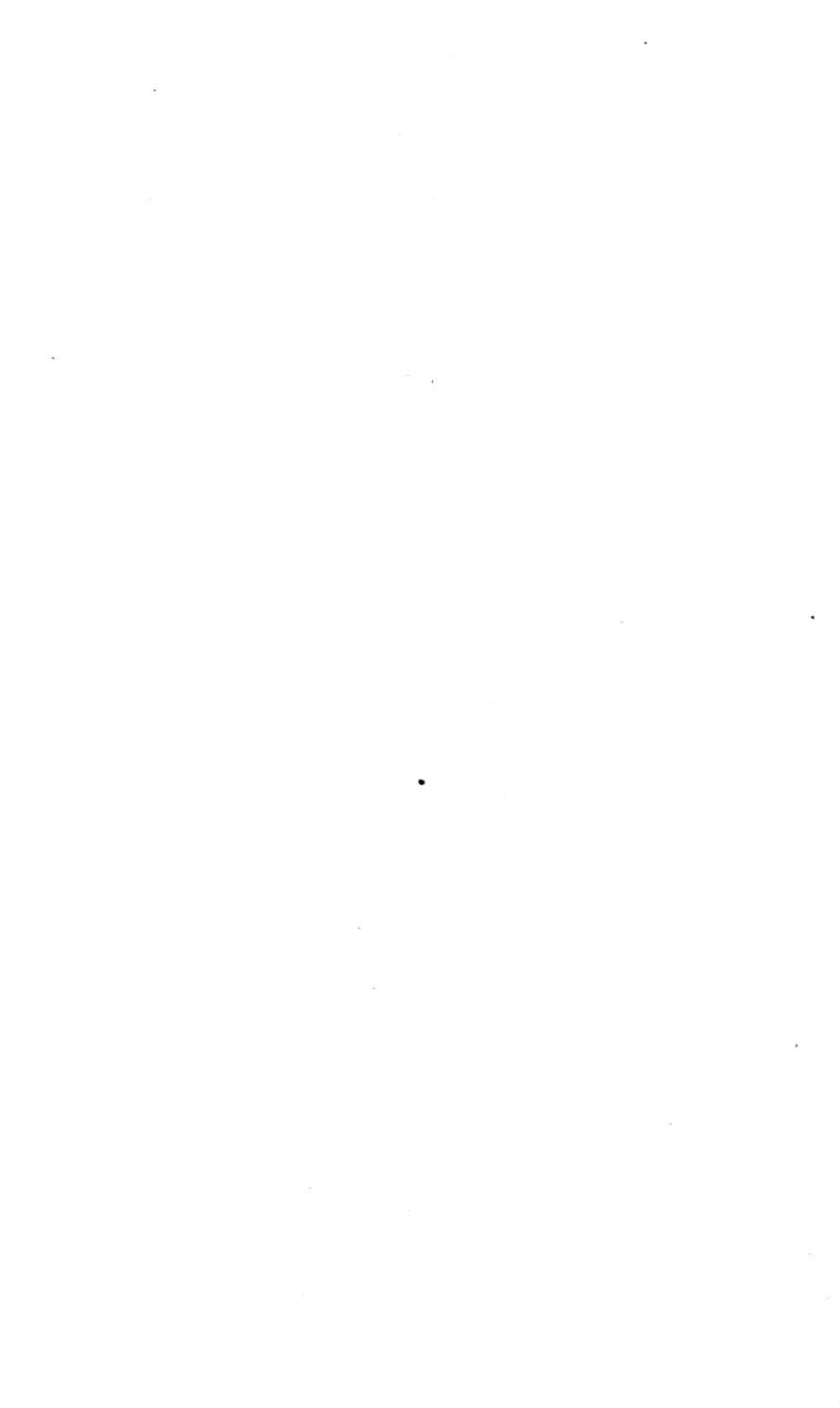
1   § 6. Captains and subalterns of the mili-  
 2 tia, shall be chosen by those persons with-  
 3 in their respective company districts, sub-  
 4 ject to military duty, and when approved  
 5 by the General Assembly, shall be com-  
 6 missioned by the Governor.

## ARTICLE ELEVENTH.

### OF AMENDMENTS OF THE CON- STITUTION.

1   § 1. Whenever a majority of the House of  
 2 Representatives shall deem it necessary to  
 3 alter, or amend, this Constitution, they  
 4 may propose such alterations and amend-  
 5 ments, which proposed amendments shall

6 be continued to the next General Assem-  
7 bly, and be published with the laws which  
8 may have been passed at the same session ;  
9 and if two thirds of each House at the next  
10 session of said Assembly, shall approve  
11 the amendments proposed, by yeas and  
12 nays, said amendments shall, by the Sec-  
13 retary, be transmitted to the Town Clerk  
14 in each town in this State, whose duty it  
15 shall be to present the same to the inhab-  
16 itants thereof for their consideration at a  
17 town meeting legally warned and held for  
18 that purpose. And if it shall appear, in a  
19 manner to be provided by law, that a ma-  
20 jority of the electors or freemen present at  
21 such meetings, shall have approved such  
22 amendments, the same shall be valid to  
23 all intents and purposes as a part of this  
24 Constitution.





# THE CONSTITUTION OF CONNECTICUT.

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## PREAMBLE.

The people of Connecticut, acknowledging, with gratitude, the good providence of God, in having permitted them to enjoy a free government, do, in order more effectually to define, secure and perpetuate the liberties, rights, and privileges, which they have derived from their ancestors, hereby, after a careful consideration and revision, ordain and establish the following Constitution, and form of civil government.

## ARTICLE I.

### DECLARATION OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established,

### We Declare :

SECTION 1. That all men, when they form a social compact, are equal in rights; and that no man, or set of men, are entitled to exclusive public emoluments, or privileges, from the community.

SECT. 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that they have, at all times, an undeniable and indefeasible right to alter their form of government, in such a manner as they may think expedient.

SECT. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this state; provided, that the right, hereby declared and established, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state.

SECT. 4. No preference shall be given by law to any Christian sect or mode of worship.

SECT. 5. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SECT. 6. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

SECT. 7. In all prosecutions or indictments for libels, the truth may be given in evidence; and the jury shall have the right to determine the law and the facts, under the direction of the court.

SECT. 8. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

SECT. 9. In all criminal prosecutions, the accused shall have a right to be heard by himself, and by counsel; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his favor; and in all prosecutions by indictment or information, a speedy public trial by an impartial jury. He shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by due course of law. And no person shall be holden to answer for any crime, the punishment of which may be death or imprisonment for life, unless on a presentment or an indictment of a grand jury; except in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger.

SECT. 10. No person shall be arrested, detained, or punished, except in cases clearly warranted by law.

SECT. 11. The property of no person shall be taken for public use, without just compensation therefor.

SECT. 12. All courts shall be open, and every person, for an injury done him in his person, property, or reputation, shall have remedy by due course of law, and right and justice administered, without sale, denial, or delay.

SECT. 13. Excessive bail shall not be required, nor excessive fines imposed.

SECT. 14. All prisoners shall, before conviction, be bailable, by sufficient sureties, except for capital offences where the proof is evident, or the presumption great; and the privileges of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it; nor in any case but by the legislature.

SECT. 15. No person shall be attainted of treason or felony by the legislature.

SECT. 16. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

SECT. 17. Every citizen has a right to bear arms in defence of himself and the state.

SECT. 18. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

SECT. 19. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

SECT. 20. No hereditary emoluments, privileges, or honors, shall ever be granted, or conferred, in this state.

SECT. 21. The right of trial by jury shall remain inviolate.

## ARTICLE II.

### OF THE DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments, and each of them confided to a separate

magistracy, to wit: those which are legislative, to one ; those which are executive, to another ; and those which are judicial, to another.

### ARTICLE III.

#### OF THE LEGISLATIVE DEPARTMENT.

SECT. 1. The legislative power of this state shall be vested in two distinct houses, or branches ; the one to be styled THE SENATE, the other THE HOUSE OF REPRESENTATIVES, and both together THE GENERAL ASSEMBLY. The style of their laws shall be, *Be it enacted by the Senate and House of Representatives, in General Assembly convened.*

SECT. 2. There shall be one stated session of the general assembly, to be holden in each year, alternately at Hartford and New Haven, on the first Wednesday of May, and at such other times as the general assembly shall judge necessary ; the first session to be holden at Hartford ; but the person, administering the office of governor, may, on special emergencies, convene the general assembly at either of said places, at any other time. And in case of danger from the prevalence of contagious diseases, in either of said places, or other circumstances, the person administering the office of governor may, by proclamation, convene said assembly at any other place in this state.

SECT. 3. The house of representatives shall consist of electors residing in towns from which they are elected. The number of representatives from each town shall be the same as at present practiced and allowed. In case a new town shall hereafter be incorporated, such new town shall be entitled to one representative only ; and if such new town shall be made from one or more towns, the town or towns, from which the same shall be made, shall be entitled to the same number of representatives as at present allowed, unless the number shall be reduced by the consent of such town or towns.

SECT. 4. The Senate shall consist of twelve members, to be chosen annually by the electors.

SECT. 5. At the meetings of the electors, held in the several towns in this state, in April annually, after the election of representatives, the electors present shall be called upon to bring in their written ballots for senators. The presiding officer shall receive the votes of the electors, and count and declare them in open meeting. The presiding officer shall also make duplicate lists of the persons voted for, and of the number of votes for each, which shall be certified by the presiding officer ; one of which lists shall be delivered to the town clerk, and the other, within ten days after said meeting, shall be delivered, under seal, either to the secretary, or to the sheriff of the county in which said town is situated ; which list shall be directed to the secretary, with a superscription expressing the purport of the contents thereof. And each sheriff, who shall receive such votes, shall, within fifteen days after said meeting, deliver, or cause them to be delivered, to the secretary.

SECT. 6. The treasurer, secretary, and comptroller, for the time being, shall canvass the votes publicly. The twelve persons, having the greatest number of votes for senators, shall be declared to be elected. But in cases where no choice is made by the electors, in consequence of an equality of votes, the house of representatives shall designate, by ballot, which of the candidates having such equal number of votes, shall be declared to be elected. The return of votes, and the result of the canvass, shall be submitted to the house of representatives, and also to the senate, on the first day of the session of the general assembly ; and each house shall be the final judge of the election returns and qualifications of its own members.

SECT. 7. The house of representatives, when assembled, shall choose a speaker, clerk, and other officers. The senate shall choose its clerk, and other officers, except the president. A majority of each house shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as each house may prescribe.

SECT. 8. Each house shall determine the rules of its own

proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same cause ; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

SECT. 9. Each house shall keep a journal of its proceedings, and publish the same, when required by one-fifth of its members, except such parts as, in the judgment of a majority, require secrecy. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journals.

SECT. 10. The senators and representatives shall, in all cases of civil process, be privileged from arrest, during the session of the general assembly, and for four days before the commencement, and after the termination, of any session thereof. And for any speech or debate, in either house, they shall not be questioned in any other place.

SECT. 11. The debates of each house shall be public, except on such occasions as, in the opinion of the house, may require secrecy.

## ARTICLE IV.

### OF THE EXECUTIVE DEPARTMENT.

SECT. 1. The supreme executive power of the state shall be vested in a governor, who shall be chosen by the electors of the state, and shall hold his office for one year from the first Wednesday of May next succeeding his election, and until his successor be duly qualified. No person who is not an elector of this state, and who has not arrived at the age of thirty years, shall be eligible.

SECT. 2. At the meetings of the electors in the respective towns, in the month of April in each year, immediately after the election of senators, the presiding officers shall call upon the electors to bring in their ballots for him whom they would elect to be governor, with his name fairly written. When such ballots shall have been received and counted, in the presence of the electors, duplicate lists of the persons voted

for, and of the number of votes given for each, shall be made and certified by the presiding officer; one of which lists shall be deposited in the office of the town clerk, within three days, and the other within ten days, after said election, shall be transmitted to the secretary, or to the sheriff of the county in which such election shall have been held. The sheriff, receiving said votes, shall deliver, or cause them to be delivered, to the secretary, within fifteen days next after said election. The votes so returned shall be counted by the treasurer, secretary, and comptroller, within the month of April. A fair list of the persons, and number of votes given for each, together with the returns of the presiding officers, shall be, by the treasurer, secretary, and comptroller, made and laid before the general assembly, then next to be holden, on the first day of the session thereof; and said assembly shall, after examination of the same, declare the person whom they shall find to be legally chosen, and give him notice accordingly. If no person shall have a majority of the whole number of said votes, or if two or more shall have an equal and the greatest number of said votes, then said assembly, on the second day of their session, by joint ballot of both houses, shall proceed, without debate, to choose a governor from a list of the names of the two persons having the greatest number of votes, or of the names of the persons having an equal and highest number of votes, so returned as aforesaid. The general assembly shall, by law, prescribe the manner in which all questions concerning the election of governor, or lieutenant-governor, shall be determined.

SECT. 3. At the annual meetings of the electors, immediately after the election of governor, there shall also be chosen, in the same manner as is herein before provided for the election of governor, a lieutenant-governor, who shall continue in office for the same time, and possess the same qualifications.

SECT. 4. The compensations of the governor, lieutenant-governor, senators, and representatives, shall be established by law, and shall not be varied so as to take effect until after an election which shall next succeed the passage of the law establishing said compensations.

SECT. 5. The governor shall be captain-general of the militia of the state, except when called into the service of the United States.

SECT. 6. He may require information, in writing, from the officers in the executive department, on any subject relating to the duties of their respective offices.

SECT. 7. The governor, in case of a disagreement between the two houses of the general assembly, respecting the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the day of the next stated session.

SECT. 8. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

SECT. 9. He shall take care that the laws be faithfully executed.

SECT. 10. The governor shall have power to grant reprieves, after conviction, in all cases, except those of impeachment, until the end of the next session of the general assembly, and no longer.

SECT. 11. All commissions shall be in the name, and by authority of, the State of Connecticut; shall be sealed with the state seal, signed by the governor, and attested by the secretary.

SECT. 12. Every bill, which shall have passed both houses of the general assembly, shall be presented to the governor. If he approves, he shall sign and transmit it to the secretary; but if not, he shall return it to the house in which it originated, with his objections, which shall be entered on the journals of the house, who shall proceed to reconsider the bill. If, after such reconsideration, that house shall again pass it, it shall be sent, with the objections, to the other house, which shall also reconsider it. If approved, it shall become a law. But in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the members, voting for and against the bill, shall be entered on the journals of each house respectively. If the bill shall not be returned by the governor within three days, (Sundays excepted,) after it shall



have been presented to him, the same shall be law, in like manner as if he had signed it: unless the general assembly, by their adjournment, prevent its return, in which case it shall not be a law.

SECT. 13. The lieutenant-governor shall, by virtue of his office, be president of the senate, and have, when in committee of the whole, a right to debate, and when the senate is equally divided, to give the casting vote.

SECT. 14. In case of the death, resignation, refusal to serve, or removal from office, of the governor, or of his impeachment, or absence from the state, the lieutenant-governor shall exercise the powers and authority appertaining to the office of governor, until another be chosen at the next periodical election for governor, and be duly qualified; or until the governor, impeached or absent, shall be acquitted or return.

SECT. 15. When the government shall be administered by the lieutenant-governor, or he shall be unable to attend as president of the senate, the senate shall elect one of their members as president, *pro tempore*. And if, during the vacancy of the office of governor, the lieutenant-governor shall die, resign, refuse to serve, or be removed from office, or if he shall be impeached, or absent from the state, the president of the senate, *pro tempore*, shall, in like manner, administer the government, until he be superseded by a governor or lieutenant-governor.

SECT. 16. If the lieutenant-governor shall be required to administer the government, and shall, while in such administration, die, or resign, during the recess of the general assembly, it shall be the duty of the secretary, for the time being, to convene the senate for the purpose of choosing a president *pro tempore*.

SECT. 17. A treasurer shall annually be chosen by the electors, at their meeting in April; and the votes shall be returned, counted, canvassed, and declared, in the same manner as is provided for the election of governor and lieutenant-governor; but the votes for treasurer shall be canvassed by the secretary and comptroller only. He shall receive all moneys belonging to the state, and disburse the same only as he

may be directed by law. He shall pay no warrant, or order, for the disbursement of public money, until the same has been registered in the office of the comptroller.

SECT. 18. A secretary shall be chosen next after the treasurer, and in the same manner; and the votes for secretary shall be returned to, and counted, canvassed, and declared, by the treasurer and comptroller. He shall have the safe keeping and custody of the public records and documents, and particularly, of the acts, resolutions, and orders, of the general assembly, and record the same; and perform all such duties as shall be prescribed by law. He shall be the keeper of the seal of the state, which shall not be altered.

SECT. 19. A comptroller of the public accounts shall be annually appointed, by the general assembly. He shall adjust and settle all public accounts and demands, except grants and orders of the general assembly. He shall prescribe the mode of keeping, and rendering, all public accounts. He shall, *ex officio*, be one of the auditors of the accounts of the treasurer. The general assembly may assign to him other duties, in relation to his office, and to that of the treasurer, and shall prescribe the manner in which his duties shall be performed.

SECT. 20. A sheriff shall be appointed in each county by the general assembly, who shall hold his office for three years, removable by said assembly, and shall become bound, with sufficient sureties, to the treasurer of the state, for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law. In case the sheriff of any county shall die, or resign, the governor may fill the vacancy occasioned thereby, until the same shall be filled by the general assembly.

SECT. 21. A statement of all receipts, payments, funds, and debts of the state, shall be published from time to time, in such manner, and at such periods, as shall be prescribed by law.

## ARTICLE V.

## OF THE JUDICIARY DEPARTMENT.

SECT. 1. The judicial power of the state shall be vested in a supreme court of errors, a superior court, and such inferior courts as the general assembly shall, from time to time, ordain and establish: the powers and jurisdiction of which courts shall be defined by law.

SECT. 2. There shall be appointed, in each county, a sufficient number of justices of the peace, with such jurisdiction in civil and criminal cases as the general assembly may prescribe.

SECT. 3. The judges of the supreme court of errors, of the superior and inferior courts, and all justices of the peace, shall be appointed by the general assembly, in such manner as shall by law be prescribed. The judges of the supreme court, and of the superior court, shall hold their offices during good behavior; but may be removed by impeachment; and the governor shall also remove them, on the address of two-thirds of the members of each house of the general assembly; all other judges and justices of the peace shall be appointed annually. No judge or justice of the peace shall be capable of holding his office after he shall arrive at the age of seventy years.

## ARTICLE VI.

## OF THE QUALIFICATIONS OF ELECTORS.

SECT. 1. All persons who have been, or shall hereafter, previous to the ratification of this constitution, be admitted freemen, according to the existing laws of this state, shall be electors.

SECT. 2. Every white male citizen of the United States, who shall have gained a settlement in this state, attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding; and have a freehold estate

of the yearly value of seven dollars in this state ; or having been enrolled in the militia, shall have performed military duty therein, for the term of one year next preceding the time he shall offer himself for admission, or being liable thereto, shall have been, by authority of law, excused therefrom ; or shall have paid a state tax within the year next preceding the time he shall present himself for such admission ; and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

SECT. 3. The privileges of an elector shall be forfeited, by a conviction of bribery, forgery, perjury, duelling, fraudulent bankruptcy, theft, or other offence for which an infamous punishment is inflicted.

SECT. 4. Every elector shall be eligible to any office in this state, except in cases provided for in this constitution.

SECT. 5. The selectmen, and town clerk, of the several towns, shall decide on the qualifications of electors, at such times, and in such manner as may be prescribed by law.

SECT. 6. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.

SECT. 7. In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot.

SECT. 8. At all the elections of officers of the state, or members of the general assembly, the electors shall be privileged from arrest, during their attendance upon, and going to, and returning from the same, on any civil process.

SECT. 9. The meetings of the electors for the election of the several state officers, by law annually to be elected, and members of the general assembly of this state, shall be holden on the first Monday of April in each year.

## ARTICLE VII.

## OF RELIGION.

SECT. 1. It being the duty of all men to worship the Supreme Being, the Great Creator and Preserver of the Universe, and their right to render that worship in the mode most consistent with the dictates of their consciences ; no person shall, by law, be compelled to join or support, nor be classed with, or associated to, any congregation, church, or religious association. But every person now belonging to such congregation, church, or religious association, shall remain a member thereof, until he shall have separated himself therefrom, in the manner hereinafter provided. And each and every society or denomination of Christians, in this state, shall have and enjoy the same and equal powers, rights, and privileges ; and shall have power and authority to support and maintain the ministers or teachers of their respective denominations, and to build and repair houses for public worship, by a tax on the members of any such society only, to be laid by a major vote of the legal voters assembled at any society meeting, warned and held according to law, or in any other manner.

SECT. 2. If any person shall choose to separate himself from the society or denomination of Christians to which he may belong, and shall leave a written notice thereof with the clerk of such society, he shall thereupon be no longer liable for any future expenses which may be incurred by said society.

## ARTICLE VIII.

## OF EDUCATION.

SECT. 1. The charter of Yale College, as modified by agreement with the corporation thereof, in pursuance of an act of the general assembly, passed in May, 1792, is hereby confirmed.

SECT. 2 The fund, called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public,

or common schools, throughout the state, and for the equal benefit of all the people thereof. The value and amount of said fund shall, as soon as practicable, be ascertained, in such manner as the general assembly may prescribe, published, and recorded in the comptroller's office; and no law shall ever be made, authorizing said fund to be diverted to any other use than the encouragement and support of public, or common schools, among the several school societies, as justice and equity shall require.

## ARTICLE IX.

### OF IMPEACHMENTS.

SECT. 1. The house of representatives shall have the sole power of impeaching.

SECT. 2. All impeachments shall be tried by the senate. When sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted, without the concurrence of two-thirds of the members present. When the governor is impeached, the chief justice shall preside.

SECT. 3. The governor, and all other executive and judicial officers, shall be liable to impeachment; but judgments in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under this state. The party convicted shall, nevertheless, be liable and subject to indictment, trial and punishment, according to law.

SECT. 4. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason, or attainder, shall work corruption of blood, or forfeiture.

## ARTICLE X.

### GENERAL PROVISIONS.

SECT. 1. Members of the general assembly, and all officers, executive and judicial, shall, before they enter on the

duties of their respective offices, take the following oath or affirmation, to wit :

You do solemnly swear, (or affirm, as the case may be,) that you will support the constitution of the United States, and the constitution of the state of Connecticut, so long as you continue a citizen thereof ; and that you will faithfully discharge, according to law, the duties of the office of to the best of your abilities. So help you God.

SECT. 2. Each town shall, annually, elect selectmen, and such officers of local police, as the laws may prescribe.

SECT. 3. The rights and duties of all corporations shall remain as if this constitution had not been adopted, with the exception of such regulations and restrictions as are contained in this constitution. All judicial and civil officers now in office, who have been appointed by the general assembly, and commissioned according to law, and all such officers as shall be appointed by the said assembly, and commissioned as aforesaid, before the first Wednesday of May next, shall continue to hold their offices until the first day of June next, unless they shall, before that time, resign, or be removed from office according to law. The treasurer and secretary shall continue in office until a treasurer and secretary shall be appointed under this constitution. All military officers shall continue to hold and exercise their respective offices, until they shall resign, or be removed according to law. All laws not contrary to, or inconsistent with, the provisions of this constitution, shall remain in force, until they shall expire by their own limitation, or shall be altered or repealed by the general assembly, in pursuance of this constitution. The validity of all bonds, debts, contracts, as well of individuals as of bodies corporate, or the state, of all suits, actions, or rights of action, both in law and equity, shall continue as if no change had taken place. The governor, lieutenant-governor, and general assembly which is to be formed in October next, shall have, and possess, all the powers and authorities not repugnant to, or inconsistent with this constitution, which they now have and possess, until the first Wednesday of May next.

SECT. 4. No judge of the superior court, and of the supreme court of errors ; no member of congress ; no person holding any office under the authority of the United States ; no person holding the office of treasurer, secretary, or comptroller ; no sheriff, or sheriff's deputy, shall be a member of the general assembly.

## ARTICLE XI.

### OF AMENDMENTS OF THE CONSTITUTION.

Whenever a majority of the house of representatives shall deem it necessary to alter or amend this constitution, they may propose such alteration and amendments ; which proposed amendments shall be continued to the next general assembly, and be published with the laws which may have been passed at the same session ; and if two-thirds of each house, at the next session of said assembly, shall approve the amendments proposed, by yeas and nays, said amendment shall, by the secretary, be transmitted to the town clerk in each town in the state ; whose duty it shall be to present the same to the inhabitants thereof, for their consideration, at a town meeting, legally warned and held for that purpose ; and if it shall appear, in manner to be provided by law, that a majority of the electors, present at such meetings, shall have approved such amendments, the same shall be valid, to all intents and purposes, as a part of this constitution.

Done in Convention, on the fifteenth day of September, in the year of our Lord, one thousand eight hundred and eighteen, and of the Independence of the United States the forty-third.

By order of the Convention,

OLIVER WOLCOTT, *President.*

JAMES LANMAN,     }  
ROBERT FAIRCHILD, } *Clerks.*



# VOTES OF THE TOWNS ON THE RATIFICATION OF THE CONSTITUTION.

From the Official Returns.

	YEAS.	NAYS.		YEAS.	NAYS.
Hartford,	374	547	Lisbon,	68	84
Berlin,	249	151	Lyme,	148	129
Bristol,	95	105	Montville,	117	44
Burlington,	No returns.		North Stonington,	168	18
Canton,	37	125	Preston,	147	8
East Hartford,	190	166	Stonington,	158	16
East Windsor,	144	249	Waterford,	72	3
Enfield,	83	141			
Farmington,	75	280		1,740	792
Glastonbury,	122	57			
Granby,	132	175	Fairfield,	118	54
Hartland,	70	92	Danbury,	227	72
Marlborough,	11	67	Brookfield,	104	71
Simsbury,	111	116	Greenwich,	90	37
Southington,	102	154	Huntington,	115	99
Suffield,	201	45	New Canaan,	31	95
Wethersfield,	79	232	New Fairfield,	53	27
Windsor,	149	141	Newtown,	150	67
			Norwalk,	111	21
	2,234	2,843	Redding,	138	91
			Ridgefield,	169	108
New Haven,	430	218	Sherman,	55	36
Branford,	163	151	Stamford,	107	51
Cheshire,	201	29	Stratford,	154	17
Derby,	96	62	Trumbull,	14	93
East Haven,	41	75	Weston,	79	35
Guilford,	159	255	Wilton,	116	45
Hamden,	141	38			
Meriden,	89	60		1,836	1,019
Middlebury,	23	76			
Milford,	89	177	Windham,	182	127
North Haven,	89	43	Ashford,	189	161
Oxford,	167	13	Brooklyn,	103	42
Southbury,	103	63	Canterbury,	69	161
Wallingford,	255	14	Columbia,	62	65
Waterbury,	191	103	Hampton,	89	120
Wolcott,	62	42	Killingly,	177	144
Woodbridge,	86	153	Lebanon,	86	152
			Mansfield,	210	178
	2,385	1,572	Plainfield,	101	87
			Pomfret,	91	116
New London,	150	30	Sterling,	58	44
Norwich,	194	74	Thompson,	174	95
Bozrah,	39	24	Voluntown,	53	32
Colechester,	63	160	Woodstock,	133	147
Franklin,	38	80			
Griswold,	95	122		1,777	1,671
Groton,	283	0			

	YEAS.	NAYS.
Litchfield,	282	282
Barkhamsted,	89	107
Bethlem,	25	100
Canaan,	144	131
Colebrook,	97	90
Cornwall,	87	98
Goshen,	95	87
Harwinton,	41	140
Kent,	65	98
New Hartford,	34	156
New Milford,	219	196
Norfolk,	28	157
Plymouth,	103	145
Roxbury,	65	82
Salisbury,	146	63
Sharon,	109	139
Torrington,	71	127
Warren,	34	74
Washington,	88	151
Watertown,	58	120
Winchester,	59	106
Woodbury,	88	130
	<hr/>	<hr/>
	2,027	2,779
Middletown,	256	125
Chatham,	184	59
Durham,	82	74
East Haddam,	81	135
Haddam,	101	63
Killingworth,	166	127
Saybrook,	181	203
	<hr/>	<hr/>
	1,051	786

	YEAS.	NAYS.
Tolland,	124	87
Bolton,	53	62
Coventry,	153	164
Ellington,	41	93
Hebron,	164	80
Somers,	21	118
Stafford,	167	104
Union,	45	38
Vernon,	11	98
Willington,	89	58
	<hr/>	<hr/>
	868	902

## RECAPITULATION.

Hartford Co.,	2,234	2,843
New Haven Co.,	2,385	1,572
New London Co.,	1,740	792
Fairfield Co.,	1,836	1,019
Windham Co.,	1,777	1,671
Litchfield Co.,	2,027	2,779
Middlesex Co.,	1,051	786
Tolland Co.,	868	902
	<hr/>	<hr/>
	13,918	12,364
	<hr/>	<hr/>
Majority,	1,554	

*At a General Assembly of the State of Connecticut, holden at New Haven, in said State, on the second Thursday of October in the year of our Lord one thousand eight hundred and eighteen :*

*Resolved*, That the Honorable Jonathan Brace, Frederick Wolcott, Elias Perkins, William Bristol, Elijah Boardman, David Tomlinson, Sylvester Wells, John S. Peters, James Lanman, Enoch Burrows, and Peter Webb, with Messrs. Russ, Terry, Hitchcock, Todd, Coit, Denison, Plant, Birch, Fox, Allen, Merwin, Pettibone, Goodrich, Hungerford, Young, and White, be a committee to count the votes of the qualified voters in the several towns in this State, transmitted to this Assembly on the question of ratifying the Constitution of civil government submitted to them by the Convention of Delegates assembled on the fourth Wednesday of August last, and make their report thereon.

*To the Honorable General Assembly of the State of Connecticut, now in session :*

The committee to whom was referred the subject of counting the votes of the qualified voters in the several towns in this State, transmitted to the Assembly on the question of ratifying the Constitution of civil government, report :

That they have attended to the duty assigned them, and find that the whole number of votes returned and counted are twenty-six thousand two hundred and eighty-two ; of which there are in favor of ratifying the Constitution, thirteen thousand nine hundred and eighteen, and twelve thousand three hundred and sixty-four votes against the ratification of

the Constitution. No votes were returned to this Assembly from the town of Burlington.

Which is respectfully submitted, per order,

JONATHAN BRACE.

Whereas by the returns of votes made to this Assembly, in pursuance of a resolve of the General Assembly, passed at their session in May last, it appears that the Constitution of civil government framed by the Convention held at Hartford on the fourth Wednesday of August last, has been ratified and approved by the people of this State :

*Resolved by this Assembly,* That his Excellency the Governor be, and he is hereby, requested to issue his Proclamation, declaring that said Constitution has been duly ratified agreeable to the direction of said Convention, and is to be and remain the Supreme Law of this State.

*Resolved,* That the Secretary be directed to cause that the Constitution of civil government adopted by the people of this State be engrossed upon parchment, and enrolled, with the State seal affixed thereto, and deposited in the office of the Secretary of this State ; and that he enter the said Constitution at large, in the records of this State.

By his Excellency  
OLIVER WOLCOTT,

Governor and Commander in Chief in and over the State of  
Connecticut.

### A PROCLAMATION.

*Whereas the General Assembly of this State have, during their present session, passed a Resolution in the following words, viz :*

“Whereas by returns of votes made to this Assembly, in pursuance of a Resolve of the General Assembly, passed at their session in May last, it appears that the Constitution of civil government framed by the Convention held at Hartford on the fourth Wednesday of August last, has been ratified and approved by the people of this State :

*Resolved by this Assembly, That his Excellency the Governor be, and he is hereby, requested to issue his Proclamation, declaring that said Constitution has been duly ratified agreeable to the direction of said convention, and is to be and remain the supreme law of this State.”*

Therefore, in pursuance of said Resolution, I do now issue this my Proclamation, and do hereby declare that the *Constitution of civil government* for the People of the State of Connecticut, framed by a Convention of their Delegates at Hartford, and published on the fifteenth day of September last, has been duly *approved and ratified*, and is henceforth to be observed by all persons whom it doth or may concern, *as the Supreme Law of this State.*

In testimony whereof, I have hereunto set my hand, and caused the seal of the State to be affixed, at the Council Chamber in New Haven, this twelfth day of October, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States of America the forty-third.

OLIVER WOLCOTT.

By his Excellency's Command,  
THOMAS DAY, Secretary.









HISTORICAL NOTES  
ON THE  
CONSTITUTIONS OF CONNECTICUT  
AND ON  
THE CONSTITUTIONAL CONVENTION  
OF 1818.

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BY J. HAMMOND TRUMBULL.



HISTORICAL NOTES

ON THE

CONSTITUTIONS OF CONNECTICUT

1639-1818

PARTICULARLY

ON THE ORIGIN AND PROGRESS OF THE MOVEMENT WHICH RESULTED  
IN THE CONVENTION OF 1818 AND THE ADOPTION OF  
THE PRESENT CONSTITUTION

By J. HAMMOND TRUMBULL

HARTFORD  
BROWN & GROSS  
1873

CASE, LOCKWOOD & BRAINARD :  
HARTFORD.

The following historical sketch was written, some twelve years ago, by way of introduction to a projected edition of the Constitution of 1818, with the Journal of the Convention by which it was formed, extracts from the Debates reported in the newspapers of the time, and notes showing the origin and authorship of the several sections, the intent of the framers, and something of the secret history of particular provisions and of the motives which influenced individual members of the Convention to advocate or to oppose their incorporation with the constitution. The work was laid aside, till I should have leisure—which now it seems unlikely that I shall ever find—to revise and complete it. The fact that the Journal of the Convention has just been printed by order of the General Assembly, and the interest which is everywhere manifested in the proposition to call another convention to amend the present constitution or to frame a new one, may perhaps serve as an apology for the publication of this sketch, unfinished and imperfect as it is.

J. H. T.

Hartford, Conn., July 1st, 1873.



# HISTORICAL NOTES

ON THE

## CONSTITUTIONS OF CONNECTICUT.

1639-1818.

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THE constitutional history of Connecticut properly begins with the adoption, on the fourteenth of January, 1638-39, of the "Fundamental Orders," by which "the inhabitants and residents of Windsor, Hartford, and Wethersfield" became "associated and conjoined to be as one Public State or Commonwealth," for the establishment of "an orderly and decent government, according to God, to order and dispose of the affairs of the people at all seasons as occasion shall require."<sup>1</sup>

At the first settlement of the colony a provisional government had been instituted, under a commission from the General Court of Massachusetts (March 3, 1636), to eight of the persons who "had resolved to transplant themselves and their estates unto the River of Connecticut":<sup>2</sup> "that commission taking rise from the desire of the people that removed, who judged it inconvenient to go away without any frame of government,—not from any claim of the Massachusetts of jurisdiction over them by virtue of Patent."<sup>3</sup> It was, in fact, an agreement, ratified in the presence of the Massachusetts general court, between the founders of Connecticut and the representatives of the Earl of Warwick's grantees, who, as the instrument sets forth, had "sometime engaged themselves and their estates in the planting of the river of Connecticut," and had already made a beginning at Saybrook. "That some present government may be observed," Roger Ludlow, William Pynchon, John Steele, William

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<sup>1</sup> Conn. Records, i. 20-25.

<sup>2</sup> Mass. Records, i. 170.

<sup>3</sup> Records of Comm'rs of N. England; Hazard, ii. 119 (corrected by MS. Record).

Swaine, Henry Smith, William Phelps, William Westwood, and Andrew Ward, — two from each of the plantations afterwards named Windsor, Hartford, Wethersfield, and Springfield, — were authorized to hold courts for the trial of civil causes, to punish offenders, and to make orders “for the peaceable and quiet ordering the affairs of the said plantations.” But it was expressly provided “that this commission shall not extend any longer time than one year from the date thereof.”

The first “General Court” — in which the river towns were represented by their “committees” — was held on the first day of May, 1637<sup>1</sup>. No reference to the election of magistrates or committees appears on the records until the following year, when at the close of the session of February 9th, it was

“Ordered that the general court now in being shall be dissolved, and there is no more attendance of the members thereof to be expected except they *be newly chosen* in the next general court.”<sup>6</sup>

There are records of two sessions of the general court, March 8th and April 5th, 1638, in both of which the names of Mr. Pynchon and Mr. Smith of Springfield (Agawam) appear in the roll of magistrates present.<sup>6</sup> In the April court that plantation was represented also by “committees.” A letter of the Rev. Thomas Hooker, written in the autumn of 1638, supplies an omission in the records, by showing how the general court was at this period constituted, and under what obligation the magistrates were invested with authority :

“At the time of our election, the committees from the town of Agawam came in with other towns, and chose their magistrates, installed them into their government, took oath of them for the execution of justice according to God, and engaged themselves to submit to their government, and the execution of justice by their means and dispensed by the authority which they put upon them by choice.”

The germ of the first written Constitution — the voluntary compact of January, 1639, of which the Charter of 1662, the declaration of State independence in 1776, and the Constitution of 1818, were the necessary outgrowths — may be found in a sermon preached by Mr. Hooker before the general court in May, 1638:<sup>8</sup> “The foundation of authority is laid, firstly, in the free

<sup>4</sup> Conn. Col. Records, i. 9.

<sup>5</sup> *Ibid.*, i. 12.

<sup>6</sup> *Ibid.*, i. 13, 17.

<sup>7</sup> Coll. Conn. Hist. Soc., i. 13.

<sup>8</sup> *Ibid.*, 20.



consent of the people. . . . The choice of public magistrates belongs unto the people, by God's own allowance. . . . They who have power to *appoint* officers and magistrates, it is in their power, also, *to set the bounds and limitations of the power* and place unto which they call them."

A few months later, Mr. Hooker, writing to Governor Winthrop, of Massachusetts, cited "*the old rule, Quod ad omnes spectat, ab omnibus debet approbari,*" and avowed his conviction that, "on matters of greater consequence, which concern the common good, a general counsel, chosen by all, to transact businesses which concern all," is "most suitable to rule, and most safe for relief of the whole." But, he argues, it is not enough that the people exercise their right of choosing their counselors and judges; "the question here grows—what *rule* the judge must have to judge by." There must be established law, "to have chief rule over rulers themselves." "That in the matter which is referred to the judge, the sentence should lie in his breast, or be left to his discretion, according to which he should go,—I must confess," wrote Hooker, "I ever looked at it as a way which leads directly to tyranny, . . . and must plainly profess, if it was in my liberty, I should choose neither to live nor leave my posterity under such a government."<sup>9</sup> And in this declaration is suggested, not doubtfully, the motive which impelled Hooker and his associates to withdraw from the jurisdiction of Massachusetts and to found a new colony in the valley of the Connecticut. For in Massachusetts, though "the *people* had long desired a body of laws, and thought their condition very unsafe while so much power rested in the discretion of magistrates," "great reasons there were which caused most of the *magistrates* and some of the elders *not to be very forward* in this matter."<sup>10</sup> Governor Winthrop himself believed that the magistrate was sufficiently bound by his oath of office and his church covenant, though he pronounce sentence "not by any rule particularly prescribed by civil authority," and moreover, he was firmly persuaded of "the unwarrantableness and unsafeness of referring matter of counsel or judicature to the body of the people, *quia*, the best part is always the least, and of that best part the wiser part is always the lesser."<sup>11</sup>

The Constitution of 1639 vested "the supreme power of the

<sup>9</sup> Coll. Conn. Hist. Society, i. 11.

<sup>10</sup> Winthrop's History, i. 322.

<sup>11</sup> Ibid., ii. 350; Reply to Vane, 1637, in Hutchinson's Collection, 98.

commonwealth" in a "general court" to be composed of the governor, magistrates, and deputies from the several towns. It provided for the annual election, by a major vote of "the whole body of freemen," by ballot, of a governor and magistrates, who, after being severally sworn, in prescribed form, were empowered "to administer justice according to the laws here established, and for want thereof according to the word of God." Only freemen of the commonwealth were eligible to the magistracy, and the governor must be "a member of some approved congregation, and formerly of the magistracy." No person might be re-elected governor "above once in two years," and no person might be chosen a magistrate unless placed in nomination at a previous general court.

"Two general assemblies or courts" must be held yearly; the first, in April, to be the "Court of Election." If the governor and magistrates should at any time neglect or refuse to call either of these two "standing courts, or a special session of the court," when the occasions of the Commonwealth require, a majority of the freemen might issue summons, meet together, choose a moderator, and exercise all the powers of a general court. No court might be adjourned or dissolved without the consent of a majority of its members.

Each of the three towns—Springfield having already withdrawn from the jurisdiction of Connecticut—was authorized to send four deputies to every general court. The deputies must be freemen of the Commonwealth, but in the choice of deputies (which must be by ballot) all who had been admitted inhabitants of the town, and had taken the oath of fidelity, might vote. "And whatsoever other towns shall hereafter be added to this jurisdiction, they shall send so many deputies as the Court shall judge meet, a reasonable proportion to the number of freemen that are in the said towns being to be attended therein." Only the general court had the power to admit freemen,—residence within the jurisdiction and previous admission as an inhabitant of one of the towns being the only qualifications required by the constitution.

The deputies were authorized to meet by themselves, before the meeting of the general court, "to advise and consult of all such things as may concern the good of the public," and to inquire into the legality of the election of any of their number; the au-

thority of final decision that an election was illegal, being reserved to the court.

The governor was sworn to "promote the public good and peace," "to maintain all lawful privileges of this Commonwealth," to execute "all wholesome laws that are or shall be made by lawful authority here established," and "to further the execution of justice according to the rules of God's word." Similar obligations were imposed by the oath prescribed for magistrates.<sup>2</sup> Every freeman must acknowledge himself "subject to the government of the jurisdiction of Connecticut," and must swear "to be true and faithful unto the same," to submit person and estate thereunto, and "neither to plot nor practise any evil against the same."<sup>3</sup>

The power to make and repeal laws, to levy taxes, to admit freemen, and to dispose of unappropriated lands, was exclusively in the general court, which also "shall have power to call either court or magistrate, or any other person whatsoever, into question for any misdemeanor, and may for just causes displace, or deal otherwise, according to the nature of the offence."

One peculiarity of this earliest Constitution must not be overlooked. The only allegiance it exacts is to "the government of the jurisdiction of Connecticut:" the only "supreme authority" it recognizes is that of "the body of the freemen" and the general court in which they are represented by their deputies; it demands obedience to no laws except such as "are or shall be made by lawful authority *here* established—and for want thereof, the rule of the word of God." There is no word or hint of submission to any sovereign power not directly exercised by or proceeding from the people. Connecticut was already an independent republic.

The right to alter or add to the Fundamental Orders, though not explicitly affirmed, was understood to remain with the freemen in general court assembled. It was repeatedly exercised between 1639 and 1662. In 1645, it was ordered that a lawful court might be held by the Governor or Deputy and *three* other magistrates (instead of the Governor or Moderator and four magis-

<sup>2</sup> Conn. Col. Rec., i. 25, 26.

<sup>3</sup> *Ibid.*, 62, 63. The oath of a freeman was not recorded—and perhaps its form was not prescribed—till April, 1640.

trates) with a majority of all the deputies chosen, but "no act shall pass or stand for a law which is not confirmed both by the major part of the said magistrates and by the major part of the deputies there present in court, both magistrates and deputies being allowed, either of them, a negative vote" on the action of the others.<sup>4</sup> At the Court of Election in 1646, "the Freemen ordered" a change in the time of holding the Court thereafter—from April to May.<sup>5</sup> In May, 1647, the Governor or deputy and *two* magistrates were authorized to hold "particular courts" for the administration of justice when occasion should require.<sup>6</sup> In April, 1660,—just before the expiration of John Winthrop's first year of office as governor—the general court "*propounded* to the consideration of the freemen", an alteration of the fundamental law which prohibited the election of the same person as governor in two successive years, and at the ensuing Court of Election, "it was voted by the freeman" that "for the future there shall be liberty of a free choice yearly, either of the same person or another."<sup>7</sup>

In two or three instances the general court gave, and established by law, a new *construction* of some provision of the Fundamental Laws. In 1643, the court "declare their judgment" that those only shall be deemed "admitted inhabitants" who shall be so admitted "by a vote of the major part of the town that receiveth them," and again in 1657, the court ordered "that by admitted inhabitants in the 7th Fundamental, *are meant* only house-holders that are one and twenty years of age, or have borne office, or have thirty pounds' estate."<sup>8</sup>

The Charter procured from Charles II. (April 23, 1662,) was not regarded as a grant of new powers, but as a formal recognition of the government already established by the people and a confirmation of the rights and privileges they had exercised from the first. As a guaranty of their title to the soil and a safeguard of their liberties against the aggression of neighboring governments and the possible encroachment of the Crown,—as an admission of the colony's virtual independence of king or parliament, in all that concerned internal administration of government,—the royal charter was a precious gift, and came to be the object of al-

<sup>4</sup> Conn. Col. Rec. i. 119.

<sup>5</sup> *Ibid.*, 140.

<sup>6</sup> *Ibid.*, 150.

<sup>7</sup> Conn. Col. Rec., i. 346, 347.

<sup>8</sup> *Ibid.*, 96, 293.

most superstitious regard. But it did not in any way affect the relations previously established between the people and their chosen rulers. The frame of government continued to rest on the same broad foundation on which the Constitution of 1639 had placed it, and "the supreme power of the Commonwealth" was made to consist, as before, in the general court.

The first draft of the charter itself, so far as it affected the liberties of the colony, was in fact prepared by the general court in Hartford, and the colony's agent was instructed that the patent to be procured should comprehend "all the rights, privileges, authority and immunities that are granted in the Massachusetts colony's patent." Two or three lines which were finally erased from these instructions to Winthrop show, more clearly perhaps than any clause of the perfected draft, in what light the general court regarded the object of the petition they preferred "to the King's majesty:" "But if it cannot be granted that the bounds [of the colony's jurisdiction] may extend at least to Hudson's River, *we do not judge it requisite to expend money upon a Patent.*"<sup>9</sup> The King was petitioned to bestow his royal favor and grace "*according to the tenor of a draft or instrument*" that the Court submitted for his formal approval.<sup>10</sup> In this view, "it was not a charter of King Charles, but a charter of *the people*; and under it the people exercised all the powers of government, and enjoyed as much freedom as had ever fallen to the lot of any community. "The application of the people for the charter and their voluntary acceptance of it, gave efficiency to the government it constituted, —and not the royal signature,"<sup>2</sup>—in the judgment of those who enjoyed the privileges it recognized and affirmed.

When the American colonies declared their independence of Great Britain, the *royal* and *provincial* governments were thereby dissolved, but that of Connecticut remained unchanged. The General Assembly in October, 1776, after recording their approval of the Declaration of July 4th, and resolving "that this Colony is and of right ought to be a free and independent State, and the inhabitants thereof absolved from all allegiance to the British Crown,"—declared:

<sup>9</sup> Conn. Col. Rec., i. 580, 581.

<sup>10</sup> Petition, in Trumbull's Hist. of Conn., i. 511, 512.

<sup>1</sup> Speech of Hon. Jona. W. Edwards, in the General Assembly, May, 1818.

<sup>2</sup> Swift's System of the Laws of Connecticut, i. 56.

“That the form of Civil Government in this State shall continue to be as established by Charter received from Charles the Second, King of England, so far as an adherence to the same will be consistent with an absolute Independence of this State on the Crown of Great Britain, &c.”

In the revision of the laws in 1784, a similar declaration is incorporated with the “Act containing an Abstract and Declaration of the Rights and Privileges of the People of this State.” The preamble of this act affirms that,

“The people of this State, being, by the Providence of God, free and independent, have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and having from their ancestors derived a free and excellent constitution of government, whereby the Legislature depends on the free and annual election of the people, they have the best security for the pre-ervation of their civil and religious rights and liberties.”

The first section of the act is as follows:

“Be it enacted and declared by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, that the ancient form of Civil Government, contained in the Charter from Charles the Second, King of England, and adopted by the People of this State, shall be and remain the Civil Constitution of this State, under the sole authority of the People thereof, independent of any King or Prince whatever.”<sup>3</sup>

In May, 1777, an act was passed “prescribing the form of an oath to be taken by the freemen of this State,” by which those receiving it were bound “to be true and faithful to the Governor and Company of this State, and the *Constitution* and government thereof.” Every freeman was required to take this oath before being allowed to vote in the election of any officer of the government. The same form—with the substitution of “said State,” for “the Governor and Company of this State”—was incorporated in the revision of 1784.

If the government of the colony, before the revolution, derived its authority from the consent of the people, and not from the royal charter—and such was the opinion of distinguished jurists—then, “the constitution which originated from the people, and had been practised upon, continued in operation after the declaration of independence, in the same manner as before, and was

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<sup>3</sup> Rev. Acts and Laws, 1784, p. 1.

equally valid ;" the act of 1776, to establish and perpetuate it, was merely declaratory, and there was no necessity of calling a convention of the people, either to ratify the action of the general assembly, or to agree on a new form of government.<sup>4</sup>

But on this point, questions soon began to be raised. The author of a pamphlet printed in 1782,<sup>5</sup> propounds "a modest and decent inquiry, whether, in this State, since our Charter has been vacated by King, Lords, and Commons, our Independence declared by Congress and ratified by the Legislature of this State, we have, strictly and properly speaking, *any Civil Constitution?*" He contends that the charter by which the colony was invested with all the powers of government and legislation, having been vacated, "whatever powers of government we derived from our charter, terminated with it," and that when "the King who grants, and a corporation possessed of a charter, both agree to declare it null and void, it is vacated to all intents and purposes whatever;" that the civil constitution of Connecticut having thus terminated with the charter, "it most certainly was the undoubted right of the *People* to say, whether they would be governed by our old form of government, or whether they chose to frame a new one;" and, "if that *is* the right and prerogative of the people, to say how and in what manner they choose to be governed," then "the making new forms of civil government, or establishing old ones, is not the proper business of our representatives, without that power being specially delegated to them by the people," and "it now lies with them [the people] to say whether they will abide in the same situation we now are in, or to appoint a committee of delegates, well qualified to so important an undertaking" as that of

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<sup>4</sup> So thought Judge Swift, *System of the Laws of Connecticut*, i. 57, 58. Judge Root (C. J., 1796-1807), in the introduction to the first volume of his *Reports of Cases Adjudged*, discusses "the origin of governments and laws in Connecticut," and argues that, though all connection with the crown of England was broken and dissolved by the revolution, yet "the Constitution of the State remained, in all other respects, the same unaltered basis of government, in its principles, regulations, and efficient powers, which it had ever been from its first foundation and establishment."

<sup>5</sup> "Brief, Decent, but Free Remarks and Observations on Several Laws passed by the Honorable Legislature of the State of Connecticut, since the year 1775. By a Friend to his Country. Hartford, 1782." (8vo, p. 55.) The authorship may be confidently assigned to Dr. Benjamin Gale, of Killingworth—who adopted nearly the same course of reasoning, and in the same style, in his letter to Erastus Wolcott, quoted on the following page. I have a copy of this pamphlet with Dr. Gale's autograph presentation to Christopher Leffingwell.

framing a constitution. He states that the action of the general assembly in 1776 was "looked upon by the more thinking and judicious, only as a temporary thing, until our troubles should be over, and our independence acknowledged; and I know some freemen," he adds, "who were conscientious in those matters, neglected to take the freeman's oath, upon these very principles, who cheerfully took the oath of allegiance and fidelity to the States—supposing the assembly's adopting our charter constitution *de novo*, uninstructed, to be unprecedented, and that it contained some things which in our state of independence are not salutary."<sup>6</sup>

At the October session, 1786, a bill was offered in the House of Representatives, for referring to the freemen a proposition to reduce the number of representatives. Mr. James Davenport (of Stamford) moved to substitute for this a bill to reduce the number of representatives, without the reference to a vote of the freemen. Several members objected, that this was "a constitutional question; the assembly having no right to alter the representation without authority given by their constituents." Mr. Davenport replied:

"We *have no Constitution* but the laws of the State. The *Charter is not the Constitution*. By the Revolution, *that* was abrogated. A law of the State gave a subsequent sanction to that which before was of no force; if that law be valid, any alterations made by a later act will also be valid; if not, we have no Constitution so defined as to preclude the Legislature from exercising *any* powers necessary for the good of the people."<sup>7</sup> The objection to the introduction of the bill was sustained by the House, by a small majority.

A few months later (February, 1787), Dr. Benjamin Gale, in a letter to Gen. Erastus Wolcott (who was then a representative in Congress), wrote, confidentially, as follows:<sup>8</sup>

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<sup>6</sup> Pp. 24-27. The writer points out three particulars in which alterations of or additions to the established form of government might prove of advantage to the State; (1) a constitutional provision "that no citizen shall hold at one and the same time, more than one place of public trust, either civil or military;" (2) a reduction of the number of representatives to one from each town, and (3) an increase of the number of councillors (or upper house) to three from each county, to be chosen by the several counties, and not on a general ticket. pp. 34, 35.

<sup>7</sup> New Haven Gazette and Conn. Magazine, Nov. 2, 1786, p. 297.

<sup>8</sup> This letter is with the Wolcott MSS. (vol. iv.) in the Library of the Conn. Historical Society.



“Since I am speaking of Constitutions, suffer me to tell you, in this State *we have no civil constitution at all*. Our charter, while in force, was a grant of privileges by the Crown of England to the inhabitants of this colony. After the Crown vacated our charter, we ratified it by our Declaration of Independence. Our assembly voted it should be deemed the Civil Constitution of this State. But, sir, you know that a civil *constitution* is a *charter*, a *bill of rights*, or a *compact* made between the rulers and the ruled. Most certain, our charter can in no sense of propriety be so reputed. Our representatives are in no sense chosen to frame a civil constitution for us, nor is any general assembly which I ever yet saw, collectively considered, proper persons to frame a civil constitution. They are too numerous a body; nor do they sufficiently understand government, to do this thing.”

In the pamphlet of 1782 (“Brief, Decent, but Free Remarks,” &c.) Dr. Gale had suggested the same objections to referring to the general assembly so “nice, delicate, and important an affair,” and proposed “that each town be directed to make the nomination of one man, for that end; and that the honorable assembly, out of that nomination, elect two, four, or six, in each county, to carry the same into execution,” by framing a new constitution, which shall be printed, and submitted to the people “deliberately to adopt or reject it.” (p. 29.)

The author of “An Address to the Legislature and People of Connecticut, on the subject of dividing the State into Districts for the Election of Representatives in Congress,” printed in (January) 1791,<sup>9</sup> advocates the *amendment* of the constitution by a convention to be specially entrusted with that work. Though Connecticut “has the merit of giving, at a remote period, a degree of perfection to some parts of her constitution, which, if it be not final, is at least unrivalled,” yet, says this writer:

“I am sensible that the constitution is susceptible of a great number of fundamental improvements; and I look forward, with an anxious heart, to that mature and happy season, when the spirit of people will admit of a great and radical reform, by their own delegates commissioned for this express purpose. I am aware that the policy of assembling a convention, and establishing a form of government superior to the power of the legislature, has been called in question by some; and in particular, has been

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<sup>9</sup>“By a Citizen of Connecticut.” Printed in New Haven. 8vo, p. 37.

ingeniously controverted by a writer of our own State, whose merit I have in high estimation. But whatever influence his reasonings might have in my mind, in respect to the strictness of principle, I must acknowledge I should despair of ever seeing a complete reform in the political establishments of this State accomplished in the ordinary course of legislation. The question then in my mind is whether the great and pressing importance of renovating a defective and unbalanced government will not justify a departure from that strict political principle on which the legislature would claim all the powers of the community."

Prior to 1800, the number of those who denied the validity of the act of 1776 and maintained the necessity, or the propriety, of calling a convention to frame a new constitution, was very small. The doctrine laid down by Judge Swift in 1795, is that which was generally held by the leaders of public opinion, was sustained by the courts, and accepted by a large majority of the freemen :

"Some visionary theorists have pretended that we have no constitution, because it has not been reduced to writing, and ratified by the people. It is, therefore, necessary, to trace the constitution of our government to its origin, for the purpose of showing its existence, that it has been accepted and approved by the people, and is well known and precisely bounded. . . . The colonial governments of Connecticut and New Haven derived their authority from the voluntary association and agreement of the people. Here the social compact was made and entered into, in the most explicit manner. . . The application of the people for the charter [of 1662], and their voluntary acceptance of it, gave efficacy to the government it constituted, and not the royal signature. . . . During the whole period of the existence of the colonial government, Connecticut was considered as having only paid a nominal allegiance to the British Crown, for the purpose of receiving protection and defence, as a part of the British empire ; but always exercised legislation respecting all the internal concerns of the community, to the exclusion of all authority and control from the King and parliament, as much as an independent State."

"The necessary consequence was that the renunciation of allegiance to the British crown, and the withdrawing from the British empire, did not in any degree affect or alter the constitution of the government. The constitution which originated from the people, and had been practised upon, continued in operation, after the declaration of independence, in the same manner as before, and was equally valid. The people were only discharged from a nominal allegiance to Great Britain. . . . Their internal government remained unaltered and the same. . . . The general assembly ratified and confirmed the declaration of independence, they passed an act

recognizing the ancient form of government, they made such alterations and introduced such amendments, as the change of circumstances required. If the principles before stated are true, then the conduct of the legislature was constitutional, and there was no necessity of calling a convention of the people to agree on the form of the government."<sup>10</sup>

Even if it be admitted that the charter was the sole basis of government, and, consequently, that separation from Great Britain annulled the constitution—that the legislature having no power to act under the former constitution, could give their acts no binding authority on the people—"yet the *subsequent conduct* of the people," says Swift, "in assenting to, approving of, and acquiescing in the acts of the legislature, has established and rendered them valid and binding, and given them all the force and authority of an express contract. . . . The assent of the people may be *expressed* by delegates chosen for that purpose to meet in convention, or it may be *implied* by a tacit acquiescence and approbation."

The same doctrine was maintained by Mr. (afterwards Chief Justice) Daggett, in an anonymous pamphlet published in 1805.<sup>1</sup> "Nothing can be more groundless and false," he says, than the statement that the existing government "never had the consent and sanction of the people":

"It was originally framed and adopted by the people. . . . In all their elections, in all their appointments of officers, the people have *practically* assented to this government as the government of their own choice; and this *practical assent* continued for ages, and repeated hundreds of times by their own voluntary acts, is the strongest possible evidence of a hearty approbation; it is an approbation, too, that has rested on the surest foundation—that of a *long and thorough experience*. . . . More than almost any other government upon earth, it is the *legitimate child of the people*, who have hitherto constantly nursed it and cleaved to it with affectionate attachment; and whenever the people (far off be the day!) shall cease to give it their voluntary assent and support, it must instantly fall."

While the notion that no constitution could be valid without formal ratification by the freemen was making its way from the brains of "some visionary theorists" to the apprehension of a considerable minority of the people, a new political party had grown up in Connecticut and the "anti-federalists"—who afterwards

<sup>10</sup> Swift's System of the Laws of Connecticut, vol. i., pp. 55-58.

<sup>1</sup> "Steady Habits Vindicated," &c., p. 11.

took the name of "republicans," but were stigmatized by their opponents as "democrats,"—became strong enough in numbers and influence seriously to embarrass the action of the federal majority. The history of this party in the State begins with the "Middletown Convention" of September 30th, 1783,—or more accurately, with the manifestation of opposition to the "commutation act" by which Congress granted five years' full pay to the officers of the revolutionary army, in lieu of half pay for life. In the summer of 1783, town meetings were held in several towns, at which the justice of this payment was called in question, and resolves were passed denouncing it as oppressive to the people, and subversive of the principles of a republican government. A convention was called by committees of Hartford, Wethersfield, and Glastenbury, to meet at Middletown on the third of September, to consider this subject and devise a mode of redress. At the adjourned meeting of this convention, Sept. 30th, about fifty towns—a majority of all the towns in the State—were represented, and a petition or remonstrance against the commutation was addressed to the general assembly. At a second adjourned session, Dec. 16th, opposition to the order of the Cincinnati was manifested, by commending a pamphlet which had recently been published against that society, by Judge Ædanus Burke of South Carolina. At the last meeting, in March, 1784, an address to the people of Connecticut was framed, presenting objections to the commutation act and to the Cincinnati.<sup>1</sup>

When the question of ratifying the federal constitution was submitted to a convention in 1788, the vote in the affirmative was one hundred and twenty-eight; in the negative, or anti-federal, forty—about one-fourth of the whole. This nearly represents the relative strength of the two parties in Connecticut at this time and for some years afterwards.

Among the prominent anti-federal leaders of this period, were some who had filled high offices in the State, distinguished patriots of the revolution, and men of influence in the general assembly as well as among their immediate constituents. William Williams of Lebanon (a signer of the Declaration), Gen. James Wadsworth of Durham, Gen. Erastus Wolcott of East Windsor,—all members of the Council, or upper house,—Dr. Benjamin

<sup>1</sup> See Noah Webster's "History of Polit. Parties in the U. States," in "A Collection of Papers" &c. (1843), pp. 317—320.

Gale of Killingworth, Joseph Hopkins, Esq., of Waterbury, Col. Peter Bulkley of Colchester, Col. William Worthington of Saybrook, Capt. Abraham Granger of Suffield,—were counted with the opposition, and denounced by the zealous supporters of the administration, as anti-federalists, ‘democrats’, ‘anarchists,’ or worse.<sup>2</sup>

After the ratification of the national constitution, there was, for a few years, comparative quiet in Connecticut politics. It was not until the last year of John Adams’s administration, that the “steady habits” of the State were again disturbed by the violence of party. Federalism was never more absolutely dominant than in 1798. Two years afterwards (Aug. 3, 1800) Fisher Ames, of Massachusetts, in a letter to Oliver Wolcott of Connecticut—who was then secretary of the treasury,—foreboding defeat in the approaching presidential election, suggested a truth which experience authorizes us to regard almost as a general law of political revolutions in a republic: “Perhaps a party whenever it thinks itself strong, naturally splits; nothing but dread of its rival will bind it firmly enough together.”<sup>3</sup> The federalists were already divided, and knowledge of this fact, which could no longer be concealed from the people, revived the hopes and stimulated the energies of the opposition.

It was certain that Mr. Adams could not again receive the unanimous vote of his party, for the presidency. For reasons, the soundness of which need not be discussed here, he had lost the confidence of influential federalists in Connecticut. “It is with grief and humiliation, but at the same time with perfect confidence”—wrote Oliver Wolcott, to George Cabot of Massachusetts, in June, 1800,—“that I declare that no administration of the government by President Adams can be successful. . . . It is clear to my mind that we shall never find ourselves in the straight road of federalism while Mr. Adams is president.”<sup>4</sup> Uriah Tracy assured Senator Stockton of New Jersey, “that the

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<sup>2</sup> To what height party spirit had risen in 1786–7, and with what extravagant license the federal wits, and the federal press generally, assailed their opponents, may be seen in “*The Anarchiad*,” a series of papers in verse, originally published in the *New Haven Gazette*, which are understood to have been written by Col. David Humphreys, John Trumbull, Joel Barlow, and Dr. Lemuel Hopkins,—possibly, with some help from Dr. Dwight.

<sup>3</sup> Gibb’s *Memoirs of the Administrations of Washington and Adams*, ii. 396.

<sup>4</sup> *Ibid.* ii. 371.

State of Connecticut would do any thing to promote the true interest of the government at this crisis; that they had no predilection; on the contrary, the men of most importance were disgusted and entirely alienated from the president.”<sup>5</sup> Two months later, Wolcott, in a letter to Fisher Ames, not only expressed his conviction that “Mr. Adams ought not to be supported,” but intimated a doubt whether “his re-election would be a less evil to the country than to incur any risque of the promotion of Mr. Jefferson”: for, “however dangerous the election of Mr. Jefferson may prove to the community, I do not perceive that any portion of the mischief would be avoided by the election of Mr. Adams.”<sup>6</sup> “Let who will be president”—so thought Chauncey Goodrich,—“the pride of American character and office for awhile must be faded”; as for Connecticut, “the public mind is puzzled and fretted. People don’t know what to think of measures or men; they are mad because they are in the dark.”<sup>7</sup>

When leaders speculate on the advantages of defeat, and the rank and file are “puzzled and fretted,” opposition is likely to gain a good many new recruits. The republicans understood how to take advantage of the situation. The federalists began to admit that, even in Connecticut, “the skilful attacks of a vindictive and intelligent opposition,” were becoming formidable,—were “destroying all confidence” in the administration, even while “the papers on *our side* are filled with toasts and nonsensical paragraphs attributing wisdom and firmness to the President.”<sup>8</sup> Gen. Ebenezer Huntington wrote from Norwich, in August: “There is a change of opinion affecting the people of this State; and at present, I am doubtful what extent it will gain. There are many who have heretofore assumed the character of federalists, who have lately shown themselves *democrats*, and are high in their commendation of Jefferson, in hopes to partake of the loaves and fishes which are to be distributed by the new President.”<sup>9</sup> (The federalists spoke of their opponents, indifferently, as “Jacobins,” or “democrats,”—never conceding to them an exclusive right to the designation of “republicans.”)<sup>10</sup>

<sup>5</sup> Ibid. ii. 374.

<sup>6</sup> Ibid. 401.

<sup>7</sup> Ibid. 394.

<sup>8</sup> Ibid. 371 (Wolcott to G. Cabot).

<sup>9</sup> Ibid. 398.

<sup>10</sup> Abraham Bishop, in an Oration on “Connecticut Republicanism” (New Haven,

National defeat, in the election of Mr. Jefferson, restored union to the federal party in Connecticut. Its relative strength was somewhat impaired by desertion, and—to say nothing of changes wrought by honest convictions—“the loaves and fishes,” might now and then tempt a straggler to the republican camp. But the State, as well as the national government, had its rewards for the faithful, and the federal managers took care that these were judiciously distributed. The party was no longer without that wholesome “dread of its rival,” so essential to the preservation of union: but it was strong enough to maintain, for sixteen years yet, against a vigorous opposition, and all the republican influences which could be brought to bear from without, absolute control of the State government and of legislation. It was the boast of the federalists, and the sneer of their adversaries, that the “steady habits” of Connecticut were too firmly established to be affected by changes in the national administration or in neighboring States. The Republican Watch-Tower (Cheetham’s paper) of New York, in an article on “Connecticut Policy,” June 17th, 1801, declares that

“The sentiments of the State have been marked, as well while a colony as now, with a steadiness that excludes both retrogradation and advancement. Like an isthmus, inanimate and immovable, she bids defiance to the meliorating progression made on both sides of her. The advancement of political science, generated by our revolution, has neither changed her constitution nor affected her *steady habits*. . . . A fanatic veneration for a pampered, deluding and anti-christian priesthood, renders [her people] the dupes of their cunning, and sub-servient to their power. . . . And the citizens, really honest, but enveloped in superstition, are converted into instruments by the cunning of their priestly rulers, to debase themselves and to exalt their oppressors.”<sup>11</sup>

“The *steady habits* of New England,” said Mr. Abraham

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Sept, 1800,) seems to accept for his party the name of *Democrats*. “The terms ‘republicans’ and ‘democrats’ are,” he says, “used synonymously throughout the oration, because the men who maintain the principles of 1776, are characterized by one or the other of these names in different parts of the country” (p. 7).

<sup>11</sup> “Every person who has read the principal Jacobin gazettes for a considerable time past,” says Mr. Dwight, in his Cincinnati oration, with reference to this extract from the Watch Tower, “must have seen that there is existing a peculiar animosity against the government, institutions, clergy, and people, of Connecticut.” The federalists reciprocated all the animosity, and were noways humbled by the rebukes they

Bishop, in his oration at Wallingford, March 11th, 1801, "present the fourth obstacle to the diffusion of truth. The sailor nailed the needle of his compass to the cardinal point, and swore it should not be always traversing. So does the New England friend of order."

"It has become very fashionable," replied a federal orator, "to ridicule the attachment of the people of Connecticut to their *government*, their *institutions*, and their "*steady habits*." But before we add our sneers to those of the Jacobins', let us devote a few moments to a consideration of the *nature* and *effects* of that government, those institutions, and habits." In the course of this review, he remarks :

"Connecticut exhibits the only instance in the history of nations, of a government *purely Republican*, which has stood the test of experience for more than a century and a half, with firmness enough to withstand the shocks of faction, and revolution. Our government is a government of

constantly received from the "Jacobin" press of other states. They boasted of the position of their State, "placed as a bulwark against the approaches of a disorganizing spirit." "However enslaved they may be, either by superstition or priestcraft, the people of Connecticut have got sense enough left, to appreciate the merits of those who thus traduce their character, country, government and religion, whether they spring from her own soil, or are the renegadoes of Europe." "If we are to learn the principles of liberty and government from the Coopers, Callenders, Duanes, and Cheethams, of England, Scotland, and Ireland, we have got to pass through a tremendous and bloody schooling." (Dwight's oration, 15, 32, 41.) The following lines from "Sketches of the Times, for the year 1803"—a New Year's address for the *Hartford Courant*, 1804, (re-printed with "The Echo," in 1807), were probably from Theodore Dwight's pen :

"And here, in erring reason's spite,  
'Mid storms of truth, and floods of light,  
Unmov'd by threats, unaw'd by fears,  
CONNECTICUT her front uprears.  
On Democratic frontiers plac'd,  
By spirits base and foul disgrac'd,  
Annoy'd with Jacobinic engines,  
And doom'd to Governmental vengeance,  
Straight on her course she firmly steers,  
Nor jibes, nor tacks, nor scuds, nor veers,  
Not the whole force they all can yield,  
Can drive her vet'rans from the field.  
The same pure, patriotic fires  
Which warm'd the bosoms of their Sires,  
That generous, that effulgent flame,  
Which glow'd in Winthrop's deathless name,  
Unsullied through their bosoms runs,  
Inspires and animates her sons."



practice, and not of theory . . . Resting its claim to pre-eminence on the ground of long experience and practice, it sets all theory at defiance. At the same time, it is not easy to say what constitutes its strength and force . . . We have, *in fact*, no written constitution, no executive power or patronage.”<sup>1</sup>

In a note to this oration, Mr. Dwight gave a sketch of the constitutional history of the State, and of the provisions of the charter of 1662, which was “little more than a re-establishment of the first constitution, with somewhat more explicitness.”

“This charter, of course, stands at the head of our laws, as the only constitution which the State possesses . . . It impowers the inhabitants of the corporation to plead, and to be impleaded, in legal suits, to have a seal, to choose yearly a governor, deputy-governor, and twelve assistants, to hold two general assemblies in a year, to appoint and admit freemen, to elect officers, to erect judicatories, to ordain laws, to impose fines, and to erect wharves for the purpose of drying fish. With *no other powers than these*, it would seem impossible that a Colony, or State, could possibly exist in peace and safety for so long a time as since the year 1639. Such, however, is the fact, and it is owing to the rectitude of the administration of the government, and the effects of the institutions established under it. All the defects in the constitution have been supplied by practice; and the practical range is as well understood as though every principle had originally been reduced to writing.”<sup>2</sup>

“Steady habits” and federalism came to be regarded as synonymous terms; and a distinguished federal writer, in 1805, in “a serious remonstrance to the people of Connecticut, against changing their government,” reminds them, that “a new structure or form of government would gradually produce a correspondent change in manners, and your *steady sober habits*—the theme of ridicule, but the real glory of Connecticut—would be lost.”<sup>3</sup> The minority complained that “every man who cherished republican principles, was derided and abused as a deserter from steady habits.”<sup>4</sup>

<sup>1</sup> Theodore Dwight's Oration at New Haven, before the Society of the Cincinnati, July 7, 1801. pp. 7, 8.

<sup>2</sup> Ibid. p. 35.

<sup>3</sup> Steady Habits Vindicated, or a Serious Remonstrance &c. By a Friend to the Public Welfare [David Daggett, Esq.] Hartford, 1805. p. 14.

<sup>4</sup> Abraham Bishop's Oration, 1804. (p. 15.)

Though leading republicans had, from time to time, urged the necessity and importance of forming a new constitution, to be submitted to the people for ratification, it was not until the year 1804, that this measure was incorporated in the republican platform. It was brought prominently into notice by Abraham Bishop, of New Haven, in an oration delivered in Hartford, May 11th, 1804, at a republican celebration, "in honor of the election of President Jefferson, and the peaceable acquisition of Louisiana."<sup>5</sup>

"At the Declaration of Independence," said Mr. Bishop, "the charter of Charles II. became of no effect and it was proper that the people of this free State should, like the people of other free States, have been convened to form a constitution. But the Legislature, which was not empowered for that purpose, and which may repeal at pleasure its own laws, USURPED the power of enacting, that the form of government contained in the charter of King Charles should be the civil constitution of this State. Thus, by the pleasure of his Majesty, all the legislative, executive, and judicial powers of government tumbled into a common mass, together with the power of raising armies, whenever the stockholders of power should think best.

"This precise condition of society, absurd and unsafe as it is in theory, has proved far more so in practice. At the present moment all these powers, TOGETHER WITH A COMPLETE CONTROL OF ELECTIONS, is in the hands of seven lawyers,<sup>6</sup> who have gained a seat at the council board. These seven men virtually make and repeal laws as they please, appoint all the judges, plead before those judges, and constitute themselves a supreme court of errors to decide in the last resort on the laws of their own making. To crown this absurdity, they have repealed a law which prohibited them to plead before the very court of which they are judges." (pp. 9, 10.)

After pointing out various evils which, from the republican point of view, were necessary results of "such complicated usurpation of power," he proposes (p. 16) as the remedy—

"That the people shall be convened to form A CONSTITUTION WHICH

<sup>5</sup> "Printed for the General Committee of Republicans." From Sidney's Press, 1804, 8vo, pp. 24.

<sup>6</sup> In a note, Mr. Bishop named "Messrs. Daggett, [Nathaniel] Smith, Chauncey Goodrich, [Jonathan] Brace, [John] Allen, [William] Edmond, and [Elizur] Goodrich,—holding the same undefined powers which their predecessors have held, and which their successors shall hold, till we shall have a constitution."

SHALL SEPARATE THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL POWERS,—SHALL DEFINE THE QUALIFICATIONS OF FREEMEN, SO THAT LEGISLATORS SHALL NOT TAMPER WITH ELECTION LAWS, AND SHALL DISTRICT THE STATE, SO THAT FREEMEN MAY JUDGE OF THE CANDIDATES FOR THEIR SUFFRAGES.”

Mr. Bishop's oration was “printed by the republican general committee,” and distributed throughout the State. A writer in the *American Mercury* (republican) of August 2d, 1804, “on the subject of a Constitution,” says, that until the publication of this oration, “it was not generally known that the State of Connecticut had not a constitution,” and recommends that the freemen in each town should hold meetings for the appointment of committees to confer on a plan for the election of delegates to a convention. The (federal) *Courant*, of August 15th, notices this recommendation, remarking that “Abraham opened on this subject on the 11th of May, and the writers in the *Mercury* seem determined to make the most of it.”

That discussion of this subject should immediately assume a partisan character was unavoidable, for Mr. Bishop's political associates believed, with him, that “a constitution would give a death-blow to Connecticut federalism, and, with it, to all hostility against the general government,”<sup>7</sup> and some, if not all, of the federal leaders shared this conviction.

On the 30th of July, the Republican General Committee (of which Pierpont Edwards was chairman) addressed a circular to their party, stating that “many very respectable republicans are of the opinion that it is high time to speak to the citizens of Connecticut, plainly and explicitly, on the subject of forming a constitution; but this ought not to be done without the approbation of the party;” and a general meeting was proposed, to be held at New Haven on the fifth Wednesday (29th) of August.

On the day appointed, republican delegates from ninety-seven towns assembled at the state-house, in New Haven. Major William Judd, of Farmington, was chosen chairman, and Henry W. Edwards and Lemuel Whitman, clerks. The meeting was held with closed doors. It was declared, as “the unanimous opinion of this meeting, that the people of this State are at present without a Constitution of civil government,” and it was thereupon resolved, “that it is expedient to take measures preparatory to

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<sup>7</sup> A. Bishop's Oration, page 16.

the formation of a Constitution, and that a committee be appointed to draft an Address to the People of this State, on that subject." The committee reported an address, which was accepted, and ten thousand copies were ordered to be printed and distributed.<sup>8</sup>

The issue thus formally presented was made a prominent one in the fall election. The federalists denounced the project of a convention as revolutionary, subversive of law and order, and of the "steady habits" which had been the boast of the State. The republicans were by no means unanimous in support of the measure, notwithstanding the urgent appeals of the party press and the untiring exertions of the party managers. In September, just before the election, a federal reply to the New Haven address was printed, under the title of "Count the Cost. [An Address to the Freemen of Connecticut on sundry political subjects, and particularly on the proposition for a New Constitution. By Jonathan Steadfast.]" The writer (David Daggett) reviewed the proceedings of the New Haven meeting, impugned the motives of the leaders of the movement, and presented, with remarkable ability, the arguments against the proposed change in the form of civil government. "This project," he said, "originates entirely in a spirit of Jacobinism: it is a *new* theme on which to descant to effect a revolution in Connecticut. The object is, by false assertions, to induce a belief that no constitution exists, and that tyranny prevails." Commenting on the course of the republican party for a few years previous, he comes down to "Mr. Bishop's oration on the 11th of May, declaring among other outrageous and wicked falsehoods that Connecticut had no constitution," to which he opposes Mr. Bishop's declaration in 1789, that "the Constitution of Connecticut is the best in the world,—it has grown up with the people, and it is fitted to their condition." The writer proceeds to show that "we *have* a constitution—a *free* and *happy* constitution. It was to our fathers like the shadow of

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<sup>8</sup> It was printed on a small half-sheet, in double columns, apparently from "Sidney's Press," New Haven. Soon afterwards appeared a burlesque, printed in the same style (and at the same press,) professing to be the address and draft of a constitution "presented to the Sovereign People," by "a Convention of Republicans, styling themselves 'The Upper-House of Delegates from ninety-seven towns,' &c. At its head stand, in large capitals, 'LIBERTY!' 'EQUALITY!' The proposed Constitution vests the Executive Power 'in Three Consuls to be chosen for life by the President of the United States, *provided he be a Republican*; if not, by the Sovereign People."

a great rock in a weary land ; it has enabled them to transmit to us a fair and glorious inheritance ; if we suffer revolutionists to rob us of this birthright ' then are we bastards and not sons.' " (pp. 10-13). The address closes with an eloquent and skilfully framed appeal to every freeman to "count the cost" before acting with the republicans for the proposed reform.

The result of the October election, in an increased federal majority, showed that the popular mind was not yet prepared for a radical change.

When the General Assembly met, the leaders of the dominant party, elated by success, resolved to administer a signal rebuke to the revolutionary designs of the minority. Five justices of the peace,<sup>9</sup> who had attended the republican meeting at New Haven and taken part in its proceedings, were cited to appear before the Assembly, "to shew reasons why their commissions should not be revoked," since "it is improper," as the preamble of the resolution sets forth, "to entrust the administration of the laws to persons who hold and teach that the government is an usurpation." Asher Miller and David Daggett were appointed managers on the part of the State, for the prosecution, and Pierpont Edwards, by permission of the Assembly, appeared as counsel for the respondents. The case was heard by the two Houses in joint convention, October 30th. Mr. Edwards argued in defence of the Justices. Mr. Daggett replied in behalf of the State. He reviewed the proceedings and the published address of the New Haven meeting, and, succinctly tracing the governmental history of the two colonies and the State, from the adoption of the compact of 1639, and the foundation of civil polity in New Haven, he aimed to "demonstrate, that the people of Connecticut, not only are not without a constitution, but are possessed of one *made by the people*, in a sense not applicable to any other people," and that theirs was, in fact, "the *only* government ever formed upon *entirely* popular principles." The original compact, he argued, "contains the vital principles of our present government."

"The people, in 1639, vested the general court, or assembly, with the power of making and repealing all laws, and of *dealing in all other matters*,

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<sup>9</sup> Major William Judd of Farmington (who was Chairman of the New Haven meeting), Jabez H. Tomlinson of Stratford, Agur Judson of Huntington, Hezekiah Goodrich of Chatham, and Nathaniel Manning of Windham.

except the choice of magistrates. And might not the *people* grant this power? This is now our Constitution—our fundamental regulation by which power is exercised. Who then shall complain? Surely not those who reiterate with every breath, that the *people* are the source of all power. If the *people* of Connecticut made this Constitution, I intreat those who advocate the right of the *people* to make Constitutions, to permit the *people* still to enjoy it.” (p. 15.)

He showed the relation of the compact of 1639 to the charter of 1662, and the acceptance of the charter by the people, not only by their action on its first receipt, but by the re-establishment of its authority after the revolution of 1689. The general assembly not only declared, in 1776, that “the form of government should *continue* to be as established by charter,” but prescribed (by act of May, 1777) the form of oath to be taken by freemen, by which they were bound “to be true and faithful to the Governor and Company of this State, and *the Constitution* and government thereof.” This oath, substantially, had been taken by all admitted freemen, and, since May, 1777, “more citizens have thus sworn to *support our Constitution* than there are now taxable males in the State.”<sup>10</sup>

The New Haven address was not—he argued—“a decent expression of opinion,” merely; it was “an outrage upon decency”; and it was the duty of the Legislature “to withdraw from men who denounce the government, the power of exercising its authority.”

On the day after the hearing, the governor and council *unanimously* passed a bill revoking the commissions of the offending justices, and in this bill the house of representatives concurred by a majority of 67,—yeas, 123, nays, 56.

Major Judd, who was a lawyer by profession, prepared an argument in defence of himself and his associates, but soon after his arrival in New Haven—where the general assembly was in session

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10. Mr. Daggett's Argument, before the General Assembly, in the Case of certain Justices of the Peace. To which is prefixed a brief History of the Proceedings of the Assembly [and a copy of the New Haven Address]. New Haven, 1804. 8vo. pp. 30. The cause of the prosecution could not have been intrusted to better hands. Mr. Daggett's argument was very ingeniously framed, and presented with great ability. But his view of the case was naturally partisan rather than judicial. After he became Chief Justice, he did not speak of the government under the charter with the same unqualified eulogy. The old constitution, he then admitted, “gave very extensive powers to the legislature, and *left too much* (for it left *everything* almost,) to their will.” (Starr v. Pease, 8 Conn. Rep., 548).

—he was taken ill, and was unable to appear on the day assigned for the hearing before the two houses. With the help of his friends, his “brief, or summary of defence” was hurried through the press, but he died before the last sheet was printed, Nov. 13th, 1804. The next day, his “Address to the People of the State of Connecticut, on the subject of the removal of himself and four other Justices from office,” was published “for the general committee of Republicans.”<sup>1</sup>

While the bill for revoking the commissions was under discussion in the house of representatives, Mr. Samuel Hart (a member for Berlin) ventured the suggestion that “arguments against it would be unavailing, when there was the *disposition* and the *ability* to pass it.” This was construed by the federal majority as an imputation on the justice and impartiality of the House, and the offender was ordered to be reprimanded by the Speaker. When called upon to rise in his place to receive the prescribed censure, Mr. Hart submitted a novel question of order, by asking “if there was any rule of the House which obliged a member to *rise*, for a reprimand?” After some discussion, the Speaker (Hon. Timothy Pitkin) gave a decision in the affirmative. An appeal was taken, and the House sustained the opinion of the chair. Thereupon, Mr. Hart *rose*, and the reprimand was given and received in due form. The “dilatatory motion” and the temporary embarrassment of the majority and of the Speaker blunted the edge of the censure and occasioned great glee to the republicans.

In the spring election of 1805, the question of a new constitution was again the main issue, and again the friends of “steady habits” were successful.<sup>2</sup> The measure continued to hold a prominent place in the republican platform, but, for several succeeding years with decreasing probability of attainment. During the administration of President Madison, it was almost lost sight of, in the discussion of matters of more immediate and exciting interest. But opposition to the existing order of things in Connecticut was gaining strength and was no longer confined to the so-called democratic party; and when, in the spring of 1817, the contest was actively renewed, the friends of new measures were so strong in numbers, position, and influence, that success became nearly

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<sup>1</sup> Sidney's Press [New Haven]. 8vo. pp. 24.

<sup>2</sup> Just before this election was published a pamphlet, entitled “Steady Habits Vindicated,” etc. (Hartford, 1805). 8vo. pp. 20. Attributed to David Daggett.

certain. The "standing order," in church and state, had now to encounter a determined *sectarian* as well as a *political* opposition.

To understand the charter and extent of this opposition, it will be necessary to review, briefly, the ecclesiastical constitution of the colony and state. The foundation of this was the act of October, 1708,<sup>3</sup> approving the confession of faith, heads of agreement, and regulations in the administration of discipline agreed to by the synod at Saybrook, and enacting that all churches thus united in doctrine, worship, and discipline, should be "owned and acknowledged *established* by law." A proviso assured to societies and churches which "soberly differ or dissent" from the established churches, and which were allowed by law, the right of "exercising worship and discipline in their own way and according to their consciences." But dissenters were not thereby relieved of their obligations to pay their proportion of town taxes for the support of the established ministry. By a colony law (May, 1697) every town and society was required to provide, annually, for the maintenance of their minister, in accordance with the agreement made at settlement, by a tax levied "on the several inhabitants according to their respective estates."<sup>4</sup> A minister settled by the *major part of the householders* of a town or society was, by a law passed in 1699, to be accounted the lawful minister of such town or society, and the agreement made with him was declared to be binding on "*all* of such town."<sup>5</sup> And when in 1708, the general assembly, by an act "for the ease of such as soberly dissent from the way of worship and ministry established by the ancient laws of this government and still continuing," extended to all qualified dissenters in the colony, the same liberty and privileges granted by the Toleration Act of William and Mary, it was with the special proviso, that this should not be construed "to the exensing of any person from paying any such minister or town dues as are now or shall be hereafter due from them."<sup>6</sup>

In 1727, an act was passed directing that all taxes collected for support of the ministry, from members of the church of England, should be paid to the settled ministers of that church; and if, in any parish, the amount so paid should be insufficient to support

<sup>3</sup> Col. Records, v. 87.

<sup>4</sup> Col. Records, iv. 198.

<sup>5</sup> *Ibid.*, iv. 316.

<sup>6</sup> *Ibid.*, v. 50.



the minister, the members of his church were authorized to tax themselves for the deficiency.<sup>7</sup> Two years afterwards, similar privileges were granted to Quakers and Baptists.<sup>8</sup>

At the revision of the laws in 1784, the act of 1708, recognizing "*established churches*" was omitted; and in October, 1791, the general assembly passed "an act securing equal rights and privileges to Christians of every denomination, in this State." Every dissenter who should lodge with the clerk of an ecclesiastical society a certificate of having joined himself to any other than the established denomination, was, "so long as he shall continue ordinarily to attend on the worship and ministry in the church or congregation to which he has chosen to belong," exempted from the payment of society taxes for the support of public worship or the ministry. And all churches and congregations of dissenters, so formed, were empowered to tax themselves for maintaining their ministers, building meeting-houses, etc.<sup>9</sup>

This—so thought Judge Swift—"levelled all distinctions, and placed all denominations of Christians equally under the protection of the law."<sup>10</sup> It was not, however, so favorably regarded by the dissenters. They complained that "when a person attends on public worship in *no* religious society," he should be taxed in the located society in which he lives. The located societies had a right by law to tax all within their limits who did not lodge the prescribed certificates, and this lodging of certificates—though it was considered by the general assembly as "nothing more than an act of the dissenter to inform the located society that he does not belong to them," was "deemed by some of the dissenters themselves, a mark of degradation" or confession of inferiority. While the law professed to secure equal rights and privileges to all denominations of Christians, it maintained, in fact, a distinction between the *located* or established and the *dissenting* societies. Moreover, it was objected, these were differences of opinion as to the *construction* of the law. "As it was always in the power of the inhabitants of the located societies, to try the legality of the certificates of dissent," dissenters had sometimes—as Judge Swift admits,—“been subjected to hard and rigorous

<sup>7</sup> Col. Rec. (MSS.) vol. v., p. 587.

<sup>8</sup> *Ibid.*, pp. 688, 704.

<sup>9</sup> Revised Statutes, 1808, p. 575.

<sup>10</sup> Swift's System (1795), i. 144.

usage. Courts and juries had usually been composed of what was considered the standing church, and they had frequently practised such quibbles and finesse with respect to the forms of certificates and the nature of dissenting congregations, as to defeat the benevolent intentions of the law."<sup>2</sup>

The well-known Baptist elder, John Leland, in a pamphlet published soon after the enactment of the "Certificate Law" of 1791, denounced it, as founded on the principle "that it is the duty of all men to support the gospel and worship of God," and that "human legislatures have the right to force them to do so." "The certificate that a dissenter produces to the society-clerk, must be signed by some officer of the dissenting church, and such church must be *protestant-christian*; for heathens, deists, Jews, and papists, are not indulged in the certificate law; all of *them*, as well as Turks, must therefore be taxed to the *standing order*, though they never go among them or know where the meeting-house is."<sup>3</sup>

Another ground of complaint was found in the peculiar favor manifested to Yale College, which, from its foundation in 1702, had been under the exclusive direction and control of the congregationalists. The special privileges secured to the college by charter, and the repeated grants which had been made to it by the general assembly, were regarded by the dissenters as inconsistent with the concession of "equal rights and privileges to Christians of every denomination."

The Baptists and Methodists had repeatedly addressed themselves to the general assembly, for relief from the operation of laws which they regarded as oppressive, and which subjected them to the compulsory payment of taxes for the support of any ministry—even of their own denomination. They demanded that "legal religion" should be abolished, and "the adulterous union of Church and State, forever dissolved."

The Episcopalians were seeking aid from the State for the endowment of their Academy in Cheshire and for the establishment of a fund for the support of a bishop. In the former object they had been partially successful, obtaining from the general assembly,

<sup>2</sup> *Ibid.*, 146, 147.

<sup>3</sup> "The Rights of Conscience inalienable, And therefore Religious Opinions not cognizable by Law; or, The High-flying Church-man, Stript of her Legal Robe, Appears a Yahoo—By John Leland." *New London*, 1791 (8vo, p. 30). It was reprinted, with other tracts, by Charles Holt, *New London*, 1802, under the title of "The Connecticut Dissenter's Strong-Box: No. I. Containing The high-flying churchman, &c."

in October, 1802, license to raise 15,000 dollars by a *lottery*. An act incorporating trustees of a Bishop's Fund was granted in 1799, but this fund, derived from private contributions, grew so slowly that in May, 1817, it hardly exceeded 6000 dollars. When the charter of the Phoenix Bank at Hartford was granted (May, 1814), the State exacted a bonus of 50,000 dollars. The trustees of the Bishop's Fund alleged that a portion of this bonus had been appropriated by the petitioners for the bank, to the benefit of the fund, and they complained that it was unfairly withheld from the trustees, while an appropriation of 20,000 dollars, from the same bonus, was granted to Yale College.<sup>4</sup> Another ground of dissatisfaction was the repeated refusal of the legislature to confer the powers and privileges of a college, on the Academy at Cheshire, or to charter a new Episcopal College of Connecticut. It is not surprising that the federal majority—members of the “standing order,” and warmly attached to the school of the prophets at New Haven—hesitated to contribute from the State treasury to the maintenance of a bishop or for the establishment of an episcopal rival to Yale. It is not more strange that the episcopalians, as a body, became associated with the republican party, from which they received assurances of support.<sup>5</sup>

In October, 1816, as a measure of conciliation and compromise, the general assembly passed “An Act for the support of Literature and Religion,” by which the balances due the State from the United States, on account of disbursements for the general defence in the war with Great Britain, were appropriated as follows: one-third to the Presbyterian or Congregational societies, to be divided in proportion to their rate-lists, for the support of the gospel; one-seventh to the trustees of the Bishop's Fund, “for the use and benefit of the Episcopalian denomination of Christians;” one-eighth to the Baptists' trustees, and one-twelfth to the Methodists' trustees, for the use of their denominations respectively; one-seventh to Yale College; and the balance, a little

<sup>4</sup> Eleven years afterwards (1825), the State granted to the Trustees of the Bishop's Fund, \$7,064. 88, in commutation of their claim on the Phoenix Bank bonus.

<sup>5</sup> The Rev. Dr. Shelton (rector of St. Paul's, Buffalo, N. Y.,) in a memoir of his father, the Rev. Philo Shelton, of Fairfield (1785-1825), thus states the position of the Episcopal church in Connecticut, in the contest which preceded the political revolution of 1817: “When the Episcopal Church petitioned the Legislature in vain, as she did for a series of years, for a charter to a college, he, with others of his brethren, *proposed a union with a political party, then in a minority*, to secure what he regarded a just right. And the first fruit of the union was the charter of Trinity [Washington] College,

more than one-sixth of the whole, to remain in the State treasury.<sup>6</sup> As might have been anticipated, this measure pleased nobody, but tended rather to promote than to diminish opposition to the established order in State and church. The federalists and Congregationalists felt that too much had been conceded. The minor sects thought the division unjust, and, even if the provisions of the act in their behalf had been more liberal, they could not, consistently with their past professions, approve the appropriation to the support of the ministry, of a fund originally raised by taxation. Some of the Methodists at first refused to receive their share of the fund. The Baptists' trustees did not accept theirs, till June, 1820. In February, 1818, the trustees of the Methodists—a majority of the board, it may be remarked, were federalists—voted that, though that denomination had not been granted their full proportion of the money to be distributed by the act, yet, not thinking it right that the appropriation should remain useless, they would receive it from the treasury. This action, however, was strongly censured by many members of the denomination in Connecticut.

In January, 1816, "a meeting of citizens from the various parts of the State" was held at New Haven, for the purpose of nominating a governor and lieutenant-governor, and to cement an alliance between the republicans and such of the federalists as were opposed to the "standing order" and were friends of "toleration and reform." The nomination of OLIVER WOLCOTT for governor, and of JONATHAN INGERSOLL for lieutenant-governor, was unanimously agreed on, "as the one most likely to produce that concord and harmony among parties which have too long, and without any real diversity of interests, been disturbed, and

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Hartford. He was one of a small number of clergymen who decided on this measure, and were instrumental of carrying it into effect; and it resulted in a change in the politics of the State which has never yet been reversed."—Sprague's *Annals of the Am. Pulpit* (Episc.), v. 351.

<sup>6</sup> The amount received from the U. S., before Nov., 1817. was \$61,500. This was apportioned as follows:

To Congregational Societies.....	\$20,500.00
Trustees of Bishop's Fund.....	8,785.71
Baptists' Trustees.....	7,687.50
Methodists' Trustees.....	5,125.00
Yale College.....	8,785.71
Balance unappropriated.....	10,616.08

which every honest man must earnestly desire to see restored.”<sup>7</sup>

Oliver Wolcott, in former days, had been a federal of the federals. He had opposed the re-nomination of John Adams because he believed that “we should never find ourselves in the straight road of federalism while Mr. Adams is president.”<sup>8</sup> While secretary of the treasury, and after his resignation of that office in 1800, he had been charged by the anti-federals, not merely with mal-administration and evil counsel, but with downright crime, and, as he on one occasion complained, he had encountered some of “the most flagitious and profligate devices of party malice.”<sup>9</sup> But retirement from political life and absence for fourteen years from Connecticut had given old-time resentments time to cool. “There were few men in this country”—as republican writers now truly averred—“who would more advantageously bear a scrutiny of character as to moral qualifications, than Oliver Wolcott.” Moreover, “he was opposed to the Hartford convention; like Washington was a friend to the *Union*, a foe to rebellion; with mild means resisted bigotry, with a glowing heart favored Toleration”;<sup>10</sup> and as, with all this, “he had for the last eight or ten years approved of the general system of measures adopted and pursued by the government of the United States,”<sup>11</sup> he was deemed an available candidate of the coalition. The *Mercury*—in which, fifteen years before, he had been accused of setting fire to the buildings of the War and Treasury departments for the purpose of destroying the evidence of his frauds and defalcation<sup>1</sup>—cordially supported his nomination, and challenged the federalists “to produce a single instance, throughout his whole life, of impurity of motives in the discharge of his public service.”<sup>2</sup>

Jonathan Ingersoll, an eminent lawyer of New Haven, had been a member of the council, 1792-1798, and a judge of the superior court, 1798-1801, and from 1811 to 1816. He was a federalist, in good standing with his party, but his nomination as

<sup>7</sup> Amer. Mercury (republ.), 27th Feb., 1816. The Hartford Times, 25th Feb., spoke of the new “American Toleration and Reform” ticket, as one “agreed upon with respect [inter alia] to the conciliation of political parties, the harmony of the different religious denominations, and subsidence of the spirit of intolerance.”

<sup>8</sup> Ante, p. 19.

<sup>9</sup> Admin. of Wash. and Adams, ii. 482.

<sup>10</sup> N. Haven Register, and Am. Mercury, 11th Feb., 1817.

<sup>11</sup> “Aristides,” in Am. Mercury, 26th March, 1816.

<sup>1</sup> Am. Mercury, Feb. 5th and 25th, 1801.

<sup>2</sup> Id., 25th March, 1816.

lieutenant-governor was made a condition of the support of the new ticket by Episcopalians. Judge Ingersoll was a prominent member of that church, and the senior trustee of the Bishop's Fund. "It was deemed expedient, by giving the Episcopalians a fair opportunity to unite with the republicans, to attempt to effect such a change in the government as should afford some prospect of satisfaction to their united demands."<sup>3</sup>

The new ticket—first called "American," then "American and Toleration"—was not successful in the spring election of 1816: but the diminished majority of the federal candidates foreshadowed the coming revolution. Judge Ingersoll, by the help of federal votes, was chosen lieutenant-governor, by a majority of 1,453. Mr. Wolcott received 10,170 votes, out of 21,759.

The next year, the same nominations, "adopted at a general meeting of the friends of toleration," at New Haven, in October, were again submitted to the freemen; and now, Oliver Wolcott was elected governor by a majority of about 600, over the federal incumbent, John Cotton Smith. Lieutenant-governor Ingersoll, receiving the votes of both parties, was re-elected without opposition, and in the house of representatives there was a decided "Toleration" majority. The council—chosen from the nominations made in October preceding—was still federal, and without its concurrence, the radical changes to which republicans and tolerationists were mutually pledged, could not be effected.

The first act passed by the general assembly of 1817, was one "securing equal rights, powers, and privileges, to Christians of every denomination in this State." It provided that any person, separating from any society or denomination of Christians to join any other, should, on lodging a certificate of the fact, with the *town clerk*, be exempted from taxation from any future expenses of the society from which he withdrew. Every society of Christians was authorized to lay taxes for the maintenance of minis-

<sup>3</sup> "Aristides," 26th March, 1816, and "Episcopalian," in *Am. Mercury*, 12th March.

<sup>4</sup> The legal returns gave:

Wolcott,.....	13,655	
Smith,.....	13,119	
Scattering,.....	202	13,321
Wolcott's majority.....		334

But the correction of some errors in the returns increased this majority—as the federalists conceded—to about 600.

ters, the support of public worship, for building meeting houses, &c., and all Christian societies were to "have and enjoy the same and equal powers, rights and privileges, to every effect, intent, and purpose, whatever."

Even this concession was not sufficiently explicit and broad to satisfy the minor sects; and the next year, another bill was introduced, for *more effectually* securing equal rights and privileges to all denominations. On the question of referring this bill to a committee, Mr. (and the Rev.) Daniel Burrows, of Hebron, said: "It was stated that the law of 1817 was designed to extend equal rights to all religious denominations; but it *did not change* the thing; it did not effect the object or answer the design of the aggrieved party. It contained no declaration which would enable *them* to have recourse to the same measures that were enjoyed by the standing order."<sup>5</sup>

In October, 1816, the complete success of the Toleration party was assured by placing *in nomination* their ticket for Assistants. In the general assembly, they had again a majority of nearly two to one. At this session, the obnoxious "Stand-up Law" was repealed. This law was enacted in October, 1801, to regulate the manner of voting in freemen's meetings. It directed that in all elections by ballot, the freemen should "lay their ballots on the lid" of the box, "and the presiding officer on being satisfied that the ballots given in are single, shall put them into the box," &c. And further, that when the freemen were to vote for persons to stand in *nomination* for *assistants* or *representatives* in congress, they were first to be seated, and when any name was proposed for nomination, those who would vote for the person so named, should signify it by *rising*. If the accommodations would not admit of seating all the freeman present, the vote might be taken "by holding up the hand." Every freeman was to be provided with a number of slips of paper "equal to the number which are by law to stand in nomination"; and, at each time of his voting, by rising or show of hand, he was to "*drop one of the said slips* of paper, that he may not be exposed through mistake to vote for more than the prescribed number."<sup>6</sup> This law—which deprived the freemen of the privilege of secret ballot—had become unpopular, even among the federalists. To the republicans and their

<sup>5</sup> Debates, in Conn. Courant.

<sup>6</sup> Rev. Statutes, 1808, pp. 251, 252.

"toleration" allies it was odious in the extreme.<sup>7</sup> It had been a favorite subject of animadversion, with their orators and party press. It was one of the few *real* grievances of which the freemen had to complain, and contributed, perhaps as much as any other, to bring about the political revolution of which began in 1817.

In April, 1818, the revolution was consummated, by the re-election of Wolcott and Ingersoll, the election of eight new assistants,<sup>8</sup> and an anti-federal majority in the house of representatives.

In this election, the question of a new Constitution was a recognized—in fact, the main issue. During the winter of 1817–18 and the following spring, town meetings had been held in many of the towns, for expression of the views of the freemen, and to instruct their representatives in the general assembly to vote for calling a convention to frame a constitution. The "American and Toleration Ticket" of 1816, and "Toleration and Reform Ticket" of 1817—this year appeared under the name of "*Constitution and Reform*." The necessity in a change in the form of civil government had been argued, with much ability, by writers in the leading republican newspapers, and in pamphlets which were liberally distributed throughout the State.<sup>9</sup> The *American Mercury*, in the first number of the new year, began the publication of a series of articles on "The Constitution," addressed "to the People of Connecticut," on the benefits to be anticipated from the proposed reform and to answer objections which were urged against it. The writer, in his first communication, admits that, in past years, "the minds of the community had seemed generally to revolt against opening the question, choosing rather to endure existing imperfections than to throw aside the present system,—lest a more perfect one might not be adopted." But now, it appeared that all such apprehensions were removed, and "the people were agreed, almost without dissension, that some changes were expedient to

<sup>7</sup> The republicans ascribed the authorship of this law to Lieut. Governor (afterwards Governor) Treadwell. See "Aristides," on Conn. Politics, in the *American Mercury*, 12 March, 1816.

<sup>8</sup> Wm. Bristol, Elijah Boardmen, David Tomlinson, Sylvester Wells, John S. Peters, James Lanman, Enoch Burrows, and Peter Webb. Four of the old assistants were re-elected: Jona. Brace, Fred. Wolcott, Asa Chapman, and Elias Perkins.

<sup>9</sup> One of these, on "The Politics of Connecticut: by a Federal Republican" [George H. Richards, of New London], was received with much favor by the republicans, and widely circulated.



adopt our government to the principles of a more enlightened age than that in which it was formed, and to reconcile it with the institutions which surround us."

While the republicans and tolerationists were unanimous in support of the measure, the federalists were not united in opposition. In several towns, prominent members of the federal party concurred in the vote instructing their representatives, or avowed themselves in favor of a new constitution. The jealous rivalry between the two capitals—which dates from the union of the colonies—was not without its influence. The modern fiction of a "compact" by which the enjoyment of a state house and biennial election-parades was guaranteed to New Haven forever, does not appear to have yet gained even local credence; but it was an avowed purpose of the Tolerationists, to abolish the October session and provide for the annual meeting of the general assembly alternately at Hartford and New Haven, thereby placing the two capitals, as nearly as might be, on political equality. The prospect of gaining such an advantage of a rival, by remodeling the constitution, was an inducement which party ties were weak to resist. Many federalists of New Haven and its vicinity openly favored "Constitution and Reform," or were careful not to manifest their opposition.

At a town meeting in New Haven, Dec. 29, 1817, a resolution instructing the representatives "to use their interest and exertions that measures be immediately taken for forming a written constitution of civil government," introduced by Henry W. Edwards and advocated by Ralph I. Ingersoll and Isaac Mills, was passed "almost unanimously," and the *Register*, in publishing the fact, was "happy to add that many of the most respectable and candid of the Federalists have united with the Republicans."

Other considerations than those which were suggested by sectarian or local interests contributed to weaken federal opposition to the projected reform. Circumstances had brought prominently into notice the most serious defect of the old constitution and of the existing form of government—the omission to define or limit "the supreme power and authority of the State" which was vested in the general assembly without any reservation of *judicial* authority to the proper courts of law. The legislature had, from the settlement of the colony, been regarded as the court of ultimate resort in all matters, civil and criminal. It had for a

long time reserved to itself *sole* jurisdiction in equity, and had not yet delegated to the courts the power of granting relief in equity, where the amount in controversy exceeded 5,335 dollars<sup>10</sup>. It might call to account any court or magistrate, and, for cause found, fine, displace, or punish them, at discretion; and its power to grant pardons, suspensions, and reprieves, in capital or other criminal cases, was unquestioned. It was natural, therefore, that—the occasional remonstrances of the bench notwithstanding—the opinion should be maintained by many, and especially by those who, for the time, were invested by popular election with this unrestricted power—that “the assembly, by virtue of their supreme authority, may superintend and overlook all inferior jurisdictions, and may proceed, upon the principles of abstract right and perfect justice, to grant relief to the people in all instances in which they have sustained wrong in any possible manner whatever.”<sup>11</sup> And here was danger of the very evil against which the founders of Connecticut sought to guard themselves and their posterity, in framing the constitution of 1639—the “way which leads directly to tyranny, and so to confusion”—for, as Hooker believed—when, “in the matter which is referred to the judge, the sentence should lie in his breast, or be left to his discretion, according to which he should go, is a course which wants both safety and warrant.”<sup>12</sup> Judge Swift, in 1795, though he characterized those who pretended that Connecticut had no constitution, as “visionary theorists,” did not overlook “a question of great nicety and difficulty [which] arises respecting the constitutional jurisdiction of the general assembly, in controversies of a private and adversary nature.” Admitting that the assembly “possessed the power of doing, and directing, whatever they shall think to be for the good of the community,” he maintained that “it ought to be deemed an inviolable maxim, that *when proper courts of law are constituted, the legislature are divested of all judicial authority.*”<sup>13</sup> But in the absence of any distribution of powers, by the organic law, it was not easy to effect the separation of the law-dispensing from the law-making power.

In 1815, the action of the general assembly in a case in which Judge Swift (then Chief Judge) was nearly concerned, attracted

<sup>10</sup> Rev. Statutes, 1808, p. 550. The amount was fixed as the equivalent of 1600 pounds, the limit of jurisdiction by the revision of 1784, p. 192.

<sup>11</sup> Swift's System (1795), i. 75.

<sup>12</sup> Ante, p. 7.

<sup>13</sup> System, i. 74.

general attention, and gave occasion to the publication of some excellent "Observations on the constitutional power of the Legislature to interfere with the Judiciary in the administration of justice."<sup>2</sup> At the October session, the general assembly annulled the judgment and set aside the sentence pronounced against a murderer convicted at a special session of the superior court, at Middletown—on the ground that the court was irregularly and illegally convened, and that the order for summoning the grand jury had been illegally issued. The chief judge, who presided at the trial, felt himself constrained to appeal to the public in vindication of his judicial character, against the implied censure of the assembly. "It is true," he observes, "*we have no written constitution*; our constitution is make up of usages and customs: but it has been always understood that there were certain fundamental axioms which were to be held sacred and inviolable, and which were the basis on which rested the rights of the people. . . . The government of the State, like most others, is divided into three branches, the executive, the legislative, and the judiciary. These are co-ordinate and independent of each other, and the powers of one should never be exercised by the other. . . . It ought to be holden as a fundamental axiom, that *the Legislature should never encroach on the jurisdiction of the Judiciary*, nor assume the province of interfering in private rights, nor of overhaling the decisions of courts of law." If this principle should be disregarded, "the Legislature would become one great arbitration, that would engulf all the courts of law, and *sovereign discretion* would be the only rule of decision—a state of things *equally favorable to lawyers and criminals*."<sup>3</sup>

"Peter Lung's case" gave a new argument to the advocates of constitutional reform, and the Chief Judge's "Vindication" was well calculated to exert influence in drawing a portion of the more conservative federalists to the support of the republican and toleration ticket in the elections of the two following years.

The election of 1818 was regarded by all parties as decisive—as to the change not only of the policy, but of the frame of government. When the assembly met in May,<sup>4</sup> it was well under-

<sup>2</sup> "A Vindication of the calling of the Special Superior Court, at Middletown . . . for the trial of Peter Lung . . . with Observations" &c. Windham, 1816, 8vo.

<sup>3</sup> A Vindication, &c., pp. 40–42.

<sup>4</sup> Gideon Tomlinson, of Fairfield, was chosen Speaker; Elisha Phelps, of Simsbury, and Samuel A. Foot, of Cheshire, clerks.

stood that its principal business was to provide for calling a Constitutional Convention. Governor Wolcott, in his speech to the two houses, at the opening of the session, presented this subject to their consideration, with characteristic fairness, caution, and good sense :

“As a portion of the people have expressed a desire that the form of civil government in this State should be revised, this highly interesting subject will probably engage your deliberations. I presume that it will not be proposed by any one to impair our institutions, or to abridge any of the rights and privileges of the people. The State of Connecticut, as at present constituted, is, in my opinion, the most venerable and precious monument of republican government, existing among men. With the exception of less than two years from its first settlement, embracing a period nearly coeval with the revival of civil and religious liberty in Europe, all the powers of government have been directly derived from the people. The governors and counsellors have been *annually*, and the representatives *semi-annually* elected by the freemen, who have always constituted the great body of the people. Nor has the manifestation of the powers of the freemen been confined to the elections. They have ever been accustomed to public consultations and deliberations of intricacy and importance. Their meetings have been generally conducted with the same order and decorum as those of this assembly. No instance is known in which a single life has been lost, in consequence of any mob, tumult, or popular commotion. The support of religion, elementary schools, paupers, public roads and bridges—comprising about eight-tenths of the public expenses—has been constantly derived from taxes imposed by the votes of the people ; and the most interesting regulations of our police have ever been and still are enforced by officers deriving their powers from annual popular appointments.

“Prior to the establishment of American independence, the Charter of Charles the Second of England was viewed as the palladium of the liberties of Connecticut. It surely merited all the attachment it received ; for whatever had been the claims of the British crown or nation, to jurisdiction or territory, they were all, with nominal exceptions, surrendered to our ancestors, by that instrument ; especially, there was expressly ceded to them and their posterity, the inestimable privilege of being governed by municipal regulations framed and executed by rulers of their own appointment. The revolutionary war of course occasioned no change or dissolution of our social system.

“Considered merely as an instrument defining the powers and duties of magistrates and rulers, the Charter may justly be considered as unprovisional and imperfect ; yet it ought to be recollected that what is now its

greatest defect was formerly a pre-eminent advantage, it being then highly important to the people to acquire the greatest latitude of authority, with an exemption from British interference and control.

“If I correctly comprehend the wishes which have been expressed by a portion of our fellow citizens, they are now desirous, as the sources of apprehension from external causes are at present happily closed, that the Legislative, Executive, and Judicial authorities of their own government may be more precisely defined and limited, and the rights of the people declared and acknowledged. It is your province to dispose of this important subject, in such manner as will best promote general satisfaction and tranquillity.”

The House of Representatives raised a select committee of five, “on so much of the Governor’s Message as relates to a revision of the form of civil government,” and Messrs. Orange Merwin of New Milford, David Plant of Stratford, Shubael Griswold of East Hartford, Nathan Pendleton of North Stonington, and Nathaniel Griffing of Guilford were appointed as such committee. The Council passed a resolution appointing the Hon. Elijah Boardman (Rep.) and Hon. William Bristol (Tol.) with such gentlemen as might be designated by the house, as a *joint* committee.—and sent it down for concurrence. The House refused to consider it, and ordered it to lie on the table, until the committee they had already appointed should report.

The House committee presented the following report :

“General Assembly, May Session, 1818.

“The Committee appointed on that part of His Excellency the Governor’s Speech which relates to a revision of the form of Civil Government in this State, Report :

That in conducting their minds to a result on this deeply important subject, your committee have deemed no small deference due to public feeling and opinion. From resolutions adopted in many towns, and petitions from a respectable number of our fellow citizens in others, together with information derived from various other sources, they can entertain no doubt of a general manifestation of a desire for a revision and reformation of the structure of our civil government and the establishment of a Constitutional Compact.

As all just political power is founded on the authority of the people, and instituted for their safety and happiness, a free and deliberate expression of the public will as to any modification of that power is eminently entitled to regard,—a regard strongly enforced by the consideration, that no government, whatever in other respects may be its character, can be

expected to produce the best effects, to which the governed are not attached by affection and respect.

Although the political happiness which has been enjoyed under the laws and government of this State affords cause for grateful acknowledgment, yet, in the opinion of your committee, this happiness is to be ascribed to other causes, rather than to any peculiar intrinsic excellence in the form and character of the government itself. Destitute of fundamental laws defining and limiting the powers of the Legislature, the citizen has no security against encroachments on his most sacred rights, and violations of the first principles of a free government, except what may be found in the dependence of that body on the frequency of popular elections. Yet even these boasted barriers against arbitrary power may at any time be prostrated by the Legislative will. What sufficient security, then, have the people against the most extravagant exercise of power by such a Legislature, always liable to be impelled by passion, caprice, and party spirit, or to be influenced by intrigue or misinformation? There is none to be found in the theory of our government, and experience, to which we, with regret, recur, may teach us that there is none elsewhere.

The organization of the different branches of government, the separation of their powers, the tenure of office, the elective franchise, liberty of speech and of the press, freedom of conscience, trial by jury,—rights which relate to these deeply interesting subjects ought not to be suffered to rest on the frail foundation of legislative will or discretion.

Regarding the present as a period peculiarly auspicious for carrying into effect the wishes of our fellow-citizens on this important subject,—a period in a great measure happily free from the agitation and collision of party spirit, and in which we have the advantage of the instruction which experience has alike derived from the excellencies and faults of the Constitutions of our sister States, your committee beg leave to recommend the adoption of the accompanying Resolution.

Per order,

ORANGE MERWIN, *Chairman.*

The Resolution, as subsequently completed, by filling the blanks left by the Committee, was as follows :

*Resolved by this Assembly.* That it be, and it is hereby recommended to the people of this State, who are qualified to vote in Town or Freemen's Meetings, to assemble in their respective towns, on the *fourth day of July*<sup>1</sup> next at 9 o'clock in the morning, at their usual place of holding Town or Freemens Meetings, and, after having chosen their presiding officer, then and there to elect, by ballot, as many delegates as said towns now choose representatives to the General Assembly, who shall meet in con-

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<sup>1</sup> The words printed in *italics* were inserted by the House.

vention at the State House in Hartford, on the 4th Wednesday of August next, and when so convened shall, if it be by them deemed expedient, proceed to the formation of a Constitution of Civil Government, for the people of this State: a copy of which Constitution, when so formed, shall be by said convention forthwith transmitted to each town clerk in this State, to be by him submitted to the qualified voters in the town to which he belongs, assembled at such time as said convention may designate; which time shall not be less than one week, nor more than three weeks from the rising of said convention, for their approbation and ratification: and said Constitution, when ratified and approved, *by such majority of said qualified voters convened as aforesaid, as shall be directed by said convention,*<sup>1</sup> shall be and remain the Supreme Law of this State.

*And be it further resolved,* That it shall be the duty of the Selectmen in the several towns aforesaid, to give legal notice of the time, place, and object of holding town meetings as aforesaid, whether for the election of Delegates, or for the ratification of the Constitution: and the votes in the meetings for the choice of delegates shall be counted, and certificates of election shall be supplied to said delegates, in the same manner as is now practised in the election of representatives to the General Assembly. And the presiding officer chosen by said meetings for ratifying the Constitution as aforesaid, shall, as soon as may be, transmit by the representatives of their respective towns, to the General Assembly next after such meetings are held, a certified statement of the number of votes given in said towns, on the question of ratifying said Constitution, both affirmative and negative, and a like statement said presiding officer shall also lodge with the town clerks of their respective towns, which votes shall be returned to said assembly, and counted in the same manner, as is by law provided for returning and counting the votes for Governor of this State.

*And be it further resolved,* That two-thirds of the whole number of delegates so elected, shall form a quorum, and said convention shall choose a president and clerk; and the clerk of said convention having been sworn to a faithful discharge of the duties of his office, shall proceed to administer to the president and members thereof, the following oath or affirmation, viz:

“You, being chosen delegates to this convention for the purpose, if need be, of framing and devising a Constitution of Civil Government for the people of the State of Connecticut, do solemnly swear (or affirm) that you will faithfully discharge the trust confided to you.”

And said delegates shall be allowed the same fees for travel and attendance on said convention, as is now by law allowed to the Representatives to the General Assembly.

*Be it further resolved,* That all such persons as are, or may, at the time of either of said meetings, be qualified by law, and duly certified as

such, by the lawful board for said purpose, to be made freemen of this State, may then and there be admitted and sworn, and shall be authorized to act as such, in the business of said meetings.

An unsuccessful attempt was made to amend the resolution—on motion of Samuel A. Foot—by substituting, in the sixth line, the words “one delegate,” for, “as many delegates as said towns now choose representatives to the general assembly.” This was opposed by Mr. Channing of New London and Mr. Austin of New Hartford, and was rejected.

To a motion to fill the first blank, by fixing the “fourth day of July” as the time of holding the freemen’s meetings for the choice of delegates, Mr. Griswold of East Hartford (Fed.) objected, because this was a holiday, and moreover, the fourth of July happened this year to fall on a Saturday, when it was inconvenient to the freemen to attend town meetings. Col. John McClellan, of Woodstock (Fed.) “could not agree with the gentleman from East Hartford; he knew the fourth of July was a *merry day*, but he thought, if the people began *early in the morning*, they would be able to get through *before they were disqualified to vote*.”<sup>2</sup>

On filling the remaining blank—thereby determining what majority should be required for ratification—there was more diversity of opinion and longer debate. Mr. John Alsop, of Middletown, proposed “two-thirds of the whole number of *towns*.” Mr. James Stevens, of Stamford, proposed “three fifths” instead of “two-thirds.”<sup>3</sup> Mr. Austin, of New Hartford, objected to both propositions, because “two-thirds of the whole number of *towns* might not contain one-fourth of the *people*.” Mr. Calvin Butler, of Plymouth, wished to substitute “four-fifths.” Mr. Foot preferred to leave this question to be decided by the convention itself. Mr. Jonathan W. Edwards, of Hartford, moved to fill the blank with the words, “which, when ratified by *three-fifths* of the legal voters of this State, assembled in legal town meeting warned for that purpose, shall become the Constitution and supreme law of the land,” and by vote of the house the blank was so filled. But the bill having been returned to the committee for revision, they reported it with an amendment requiring only a “majority

<sup>2</sup> Report of debates, in Conn. Courant, June 9th.

<sup>3</sup> Had either proposition been adopted the Constitution would not have been ratified. It received in October a majority of the votes in only *fifty-nine* of the one hundred and twenty towns.



of the freemen," and this amendment was accepted by the house—by a bare majority (yeas, 81; nays, 80). Mr. Foot then offered another amendment, providing for ratification "by such majority of the qualified voters as *shall be directed by said convention*," and this was finally adopted.

The resolution was supported in debate, by Mr. Plant of Stratford, Mr. Foot of Cheshire, and Mr. Burrows of Hebron, and opposed by Mr. Griswold of East Hartford, and Jonathan W. Edwards of Hartford. An abstract of Mr. Edwards' speech, from a newspaper report,<sup>4</sup> may appropriately be inserted here, as presenting the views of the federal minority and the grounds of their opposition to a change in the form of civil government:

"Mr. JONA. W. EDWARDS, of Hartford, said: I do not rise, Mr. Speaker, at this late hour, under the expectation that any observations which I may make will change the vote of a single member of this house; but as I deem it my duty to give my vote on this bill, I shall not hesitate to avow the reasons by which I am influenced.

"We are blessed with a *Constitution*, sir, and if it is not a written one, it is one under which the citizens of Connecticut have enjoyed more peace, more happiness, and more freedom, than could ever be boasted of by any other people under any other government. Our form of civil government has remained from 1662, almost without a change. It was in its first outlines formed by all the free male inhabitants of the three towns of Windsor, Hartford, and Wethersfield. Afterwards the Charter of Charles was drawn, in this town, made as we wished, and sent to England for ratification. It rendered us independent, and accordingly we were governed solely by laws made by ourselves. The *royal* and *proprietary* governments were dissolved by the revolution—but ours, a *charter* government, remained unaltered. The first charter was drawn up, perhaps, about the spot where I now stand. It was drawn up, sir, at the request of the *people*. It was not a charter of King Charles, but a charter of the people, and under it we have always exercised all the powers of government, and have enjoyed as much freedom as has fallen to the lot of any other community. The assent of the people, by long usage and acquiescence, has been as fully expressed, as if the votes of the people had been taken, and the assent is *less equivocally* expressed than even by a vote. What advantage, then, shall we gain, sir, by a written Constitution? A written Constitution appears to me to be of no value, except in two cases: First, where a people have been holden in servitude, and have obtained their freedom from their sovereigns. All the people of Europe have

<sup>4</sup> Conn. Courant, June 9th.

emerged from a state of vassalage; they were once the dependents of their military chieftains, and the privileges which they now enjoy were extorted by degrees from their lords, and holden by charter. To such a people a written constitution is highly important. The other case in which it is proper to have a written constitution, is where several sovereign states are united under one general and federal government. It is indispensably necessary to have the limits of the general and of the particular government accurately defined by a written constitution. The State of Connecticut is not composed of inferior sovereignties. As a state, it is one and indivisible. Neither do the people hold their liberties from the grant or license of any lord or sovereign; they are of themselves free, sovereign, and independent; they can never be *more* free; they cannot even *form* a Constitution, without relinquishing some part of their freedom—the freedom, at least, of changing their laws whenever they are dissatisfied with their operation. They now choose one branch of the legislature half-yearly, and the other annually, so that no law will probably continue in force more than six months, and certainly it cannot more than one year, before it will be abolished, if the people *wish* it. The *people*, therefore, do not ask for a Constitution—and those who are now in power may be satisfied with uncontrolled dominion. They surely cannot wish to part with the power of making wholesome laws and regulations; and they will not admit that the people are in any danger from their usurpations. I think, sir, we have nothing to gain, and have much to hazard, by an innovation. If, however, we *must* have a Constitution, I would postpone it till the next session of the Legislature, and if we *must* then form a Constitution, we ought all to join and make it as perfect as possible.”

The resolution was adopted June 2d, and the Assembly adjourned, on the 6th.

The result of the town elections on the fourth of July assured a considerable majority to the Tolerationists, in the convention. Both parties had placed in nomination their strongest men, and although, in a few towns, sectarian resentment or party spirit prevented the election of some whose talents and experience qualified them to take a prominent part in the work of re-construction, yet the federalists did not hesitate to admit, that “the freemen seemed to have been in a great measure impressed with the importance of the subject, by selecting, for the most part, judicious and intelligent men, instead of furious and bitter partisans,”—including “many who had long possessed and deserved the confidence of their fellow-citizens.” And all parties concurred in

expressions of confidence "that the wisdom, patriotism, and experience of the members of this Convention, would enable them faithfully and satisfactorily to discharge the great and responsible duties of their station—to frame a Constitution that will be acceptable to every class of freemen."<sup>5</sup>

Such confidence was well-grounded. Seldom, if ever, has any body of men so respectable, by the character, talents, political experience, and good sense of its members, been convened in Connecticut.

The federal leaders accepted the coming constitution, as inevitable, and, refraining from any parade of hopeless opposition, directed their efforts to preserve as much as possible of the established institutions of Connecticut under a new form—and distribution of the powers—of government. "Federalists," they said, "are far enough from being opposed to a constitution, and instead of being 'enemies to it' [as had been charged upon them], will be heartily glad to co-operate with all honest republicans, to form such a constitution of civil government as will secure to the freemen of Connecticut 'equal rights' and a continuance of those numerous privileges which have so long distinguished the people of this State."<sup>6</sup>

On Wednesday, August 26th, the Convention met, in the Hall of Representatives at Hartford. It was called to order by the Hon. Jesse Root of Coventry, the oldest delegate present, and proceeded to the choice of a clerk. Some discussion was had, as to the propriety of conferring that office on any person who was not a member of the Convention. Thomas Day, the secretary of the State, was the leading federal candidate. On the first ballot, the vote stood: James Lanman, 37; Thomas Day, 35; Gideon Tomlinson, 26; Ralph I. Ingersoll, 21; Timothy Pitkin, 18; and 22 scattering. Mr. Lanman was chosen, on the third ballot.<sup>7</sup>

Governor Wolcott, who came as one of the delegates from Litchfield, was elected president of the Convention.

In the afternoon of the same day, on motion of Mr. James Stevens, it was

<sup>5</sup> Conn. Courant, July 14, 1818. The writer estimates the strength of parties in the Convention at 105 Democrats, 95 Federalists.

<sup>6</sup> Conn. Courant, June 21.

<sup>7</sup> Ibid.; Journal of Convention.

*“Resolved, That this Convention do deem it expedient to proceed at this time to form a Constitution of Civil Government for the people of this State.”*

The next morning, on motion of Mr. Robert Fairchild, it was resolved to appoint, by ballot, a committee of three members from each county, to draft a Constitution and report the same to the Convention. This committee was constituted as follows :

For the county of—

Hartford :	{ Sylvester Wells,	of Hartford.
	{ Timothy Pitkin,	of Farmington.
	{ Elisha Phelps,	of Simsbury.
New Haven :	{ William Bristol,	of New Haven.
	{ Nathan Smith,	“
	{ William Todd,	of Guilford.
New London :	{ Moses Warren,	of Lyme.
	{ Amasa Learned,	of New London.
	{ James Lanman,	of Norwich.
Fairfield :	{ Pierpont Edwards,	of Stratford.
	{ James Stevens,	of Stamford.
	{ Gideon Tomlinson,	of Fairfield.
Windham :	{ Peter Webb,	of Windham.
	{ George Larned,	of Thompson.
	{ Edmund Freeman,	of Mansfield.
Litchfield :	{ John Welch,	of Litchfield.
	{ Augustus Pettibone,	of Norfolk.
	{ Orange Merwin,	of New Milford.
Middlesex :	{ Joshua Stow,	of Middletown.
	{ William Hungerford,	of East Haddam.
	{ Thomas Lyman,	of Durham.
Tolland :	{ Daniel Burrows,	of Hebron.
	{ Asa Willey,	of Ellington.
	{ John S. Peters,	of Hebron.

More than half the members of this committee had already attained honorable distinction in professional or public life. Others, not yet so well known to the people, were soon to be called to important trusts and to receive the highest honors in the gift of the State. Pierpont Edwards—who was chosen chairman—was regarded by the federalists as the contriver of the coalition by which democracy came into power under the flag of “toleration”. He still held the office of judge of the U. S. district court, to which he was appointed by Mr. Jefferson. He and Mr. Amasa Learned had been members of the convention

which, thirty years before, ratified the constitution of the United States. Five other delegates to the convention of 1788, were in the convention of 1818, namely, Jesse Root, John Treadwell, Stephen Mix Mitchell, Aaron Austin, and Lemuel Sanford. Five members of the committee (Messrs. Bristol, Wells, Peters, Lanman, and Webb,) were assistants. Three (Messrs. Pitkin, Edwards, and Learned) had been representatives in congress, and five others (Messrs. Phelps, Stevens, Tomlinson, Merwin, and Burrows) were afterwards elected to that office. Gideon Tomlinson and John S. Peters became, in turn, governors of the State, and James Lanman, Nathan Smith, and Tomlinson, senators of the United States.

Considering the hostility to Yale College which had been manifested by some of the republicans and the jealousy with which its relation to the State was regarded by dissenters from the established order, it is remarkable that so many alumni of Yale were chosen delegates to the convention, and that twelve of these were placed on the committee (of twenty-four) to draft a constitution.<sup>8</sup>

Five members of the committee were taken from the federal minority,—Messrs. Pitkin, Todd, G. Larned, Pettibone, and Willey. Of these, Mr. Pitkin had been the most prominent in his party, and had the largest experience in public affairs. He had represented his town in twenty sessions of the general assembly, had been five times speaker of the house, and since 1805 a representative in congress. Nathan Smith, of New Haven, though a federalist by conviction and affinity (his brother, Judge Nathaniel, was a delegate to the Hartford Convention of 1814), was now—as an episcopalian, a trustee to the Bishop's Fund, and the agent of his church to obtain an appropriation from the State—associated with the republicans for “toleration and reform.”

Among the delegates to the convention at large, were three honored chiefs of federalism and pillars of the established order; the venerable ex-chief-judges, Jesse Root (now in his eighty-second year) and Stephen Mix Mitchell (in his seventy-fifth), and

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<sup>8</sup> Hon. Nathan Smith, who received an honorary degree of A. M. in 1808, is included in this number. Dr. John S. Peters was a fellow of the Connecticut Medical Society, but did not receive from Yale the degree of M. D., till after the meeting of the convention. Two members of the committee, Messrs. Larned and Freeman, were graduates of Brown University. Thirty-nine delegates to the convention were alumni or honoraries of Yale. William Hungerford, of the class of 1809, and Thomas Lyman, of 1810, were the two youngest graduates on the committee.

ex-governor Treadwell (in his seventy-third). Gen. Nathaniel Terry, of Hartford, divided with Gov. Treadwell the leadership of the party in the convention. The Hon. Aaron Austin of New Hartford, another federal delegate, had sat with the assistants at the council-board for nearly a quarter of a century, till displaced by the revolution of 1818.<sup>9</sup> The Hon. Wm. Perkins of Ashford, Col. Shubael Griswold of East Hartford, Gen. Levi Lusk of Wethersfield, the Rev. Aaron Church of Hartland, Henry Terry Esq., of Enfield, Col. John McClellan of Woodstock, were well known as federalists and friends to the established order.

On the side of Toleration and Reform, prominent among the original republicans and their recognized leader, was Alexander Wolcott, of Middletown, a Jeffersonian democrat of the most pronounced type, who, "more than any other individual, deserves to be considered as the father and founder of the Jeffersonian school of politics in this State."<sup>10</sup> The Rev. Asahel Morse (Baptist) of Suffield, the sometime Rev. Daniel Burrows (Methodist) of Hebron, Joshua Stow of Middletown—whose misadventure with the republican circular in 1806, supplied the federalists with some capital and gave his "saddle bags" a place in political history,<sup>1</sup>—Gen. Joshua King of Ridgefield, David Tomlinson of Oxford, one of the new Toleration councillors, Christopher

<sup>9</sup> His town gave only 34 votes for—to 156 against—the Constitution, in October.

<sup>10</sup> Hon. John M. Niles; quoted in Stiles's History of Windsor, p. 834. The federalists of 1800 to 1817, though they would not have hesitated to concede this position to the "State Manager" of his party, would hardly have accepted, without dissent, Mr. Niles' eulogy of Alex. Wolcott, as a man who, "always frank in his purposes, was equally direct in his means, despising chicanery and artifice, the constant resource of feeble minds."

<sup>1</sup> "Joshua Stow, whom the State Manager [Wolcott] had appointed County Manager, lost his saddle bags filled with copies of the general orders. They fell into the hands of gentlemen who had no interest to promote, by secrecy, and thus they were published in the federal papers."—*The Sixth of August, or the Litchfield Festival*, [Hartford] 1806, p. 11.

"These men have reduced their plan to a system, and they are completely organized and officered. This is fully evidenced, by a circular letter, from their Chief Manager. This letter was a business of secrecy, but providentially discovered; it was safely committed by the post, to the portmanteau on the horse; but the horse, like Absalom's Ass, despised his burden, and frightened at the contents, broke his fast and ran, till the letter was dislodged in the street. Here were peremptory, yea, sovereign orders given to every town manager," &c. "What friend to his country can read the Manager's letter without alarm? If so, he must have less feeling than the horse, who generously communicated the contents to the public."—*The Two Brothers: a Dialogue*. Hartford, 1806. p. 12.

Manwaring, of New London, were republicans such as partisan speakers of our time are wont to honor as the "old war horses" of democracy. Several of the most distinguished members of the party—besides those already mentioned—were on the drafting committee. Besides Dr. Sylvester Wells and Dr. John S. Peters, (both members of that committee) there were in the convention at least a dozen physicians, nearly all on the toleration side: Drs. Shelton of Huntington, Perry of Woodbury, Turner of Norwich, Lacey of Brookfield, Jehiel Williams of New Milford, and others: Drs. Bela Farnham of East Haven, and S. Everest of Canton were with the federalists.

Mr. Lanman having been placed on the drafting committee, it became necessary to provide an assistant clerk for the convention, and Robert Fairchild was chosen.

On Friday, Aug. 28th, the committee, by their chairman, made a partial report, submitted a Preamble, and a Bill of Rights, being Article I. of the Constitution. The discussion which ensued—unimportant in itself—indicated the result at which the convention, constituted as it was, must almost of necessity arrive. It was evident that the new constitution was not to be fashioned as an engine or a platform of party. The tolerationists—many of whom were drawn from the federal ranks—would accept the *republicanism* of their allies, but stopped short of pure *democracy*. All that was vital in the first constitution and the charter, was to be preserved in the new frame of government. "The great and essential principles of liberty and free government" would be recognized and established, but the liberty must be enjoyed under the restraints of established *law*.

Gov. Treadwell, for the old federalists, and Alex. Wolcott, for the democrats, opposed the incorporation of any bill of rights in the constitution. The former argued that, "such a declaration of rights might be proper and expedient, or even necessary, if we had to contend with a tyrant, or an aristocracy disposed to wrest from the people their rights,—but it was well known, that all power is vested in the *people* and exercised by a government appointed by the people. Was it then necessary to make certain regulations for that government which should be *unalterable*?"<sup>1</sup>

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<sup>1</sup> Debates in Conn. Courant. Gov. Treadwell's argument is the same which Alex. Hamilton presented in *The Federalist*, No. LXXXIV. (Dawson's ed., p. 598, ff.).

Mr. Wolcott objected to such a bill, because it circumscribed the powers of the general assembly, and offered specific objections to several clauses.

When the fourth section—"no preference shall be given by law to any religious sect or mode of worship"—was under discussion, the Rev. Asahel Morse offered the following substitute:

"That rights of conscience are inalienable; that all persons have a natural and indefeasible right to worship Almighty God according to their own consciences; and no person shall be compelled to attend any place of worship, or contribute to the support of any minister, contrary to his own choice."

The substitute was opposed by Mr. Pitkin and Gov. Treadwell, (feds.) and by P. Edwards (repub.), and was rejected. A motion was afterwards made, to amend by adding the last clause of Mr. Morse's proposed substitute. This also was rejected. On the motion of Gov. Treadwell—opposed by Alex. Wolcott, but sustained by Pierpont Edwards and Nathan Smith,—the word "Christian" was substituted for "religious." With this amendment the section was approved and adopted, notwithstanding the opposition of Messrs. Wolcott, Burrows, and Joshua Stow.<sup>2</sup>

The second, third, and fourth articles were reported by the committee on Tuesday, September 1.

Their final report, comprising Articles VII. to XI. inclusive, was presented on Friday, September 4th.

Each article was considered by the convention—first, by sections; then, after discussion and amendment of the several sections, the whole article was again open to amendment before the question was taken on its adoption. And when the several Articles had been, in turn, approved, the whole instrument, having been printed as amended, was again subjected to revision and amendment before receiving the final approval of the convention.

The seventh Article—"Of Religion"—was the subject of protracted and lively debate. The federalists contested its passage, at every point, and succeeded in modifying, in important particulars, the draft of the committee, but they could not prevent the complete severance of church from state, the constitutional guaranty of the rights of conscience, or the recognition of the absolute equality, before the law, of all Christian denominations.

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<sup>2</sup> Debates, in *Conn. Courant*, and *Journal of the Convention*.



To the first clause, as reported : “ It being the right *and duty* of all men to worship the Supreme Being, the great Creator and Preserver of the Universe, in the mode most consistent with the dictates of their consciences ”—Gov. Treadwell objected, that “ conscience may be perverted, and man may think it his duty to worship his Creator by image, or as the Greeks and Romans did : and though he would *tolerate* all modes of worship, he would not recognize it in the Constitution, as the *duty* of a person to worship as the heathen do : ” and Mr. Tomlinson subsequently moved to amend this clause to the shape in which it now stands ( “ the duty of all men to worship . . . . and their right to render that worship, ” &c. ) Gov. Treadwell also objected, that this clause “ goes to dissolve all ecclesiastical societies in this State, ”—and this was doubtless the intent of its framers. Mr. Stow thought, “ if this section is altered *in any way*, it will curtail the great principles for which we contend. ”<sup>3</sup> The committee’s draft was supported, in debate, by Alex. Wolcott, Mr. Tomlinson, Daniel Burrows, Pierpont Edwards, Messrs. Waldo, Hart, Stevens, and Lanman, and opposed by Gov. Treadwell, Nathaniel Terry, and Timo. Pitkin. The first section was adopted by a vote of 103 to 86, and a motion by Mr. Pitkin to strike out the whole of the second section was rejected by 105 to 84<sup>4</sup>. These votes indicate, nearly, the relative strength of parties in the convention. On the final revision of the constitution, Mr. Terry offered two amendments to the first section—the effect of which was to continue the old ecclesiastical societies and to secure their legal rights and privileges as corporate bodies : and these amendments were adopted by the convention, without a call of the yeas and nays.<sup>5</sup>

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<sup>3</sup> This article (as I was informed by the late Mr. Hungerford) was assigned by the drafting committee to Messrs. Gideon Tomlinson and Joshua Stow. Its first clause, as reported, seems to have been taken, with slight change of language, from Gov. Wolcott’s speech to the general assembly in May, 1817 : “ It is the right and duty of every man publicly and privately to worship and adore the Supreme Creator and Preserver of the Universe, in the manner most agreeable to the dictates of his own conscience. ” The statement has been repeatedly made, by writers whose authority is entitled to respect, that “ the Article on Religious Liberty in the Constitution was drawn up by the pen of Rev. Asahel Morse, ” a Baptist minister in Suffield, who was a delegate to the Convention. This is manifestly incorrect—unless Mr. Morse was the draftsman of the governor’s speech in 1817. As is mentioned above, Mr. Morse offered a substitute for the fourth section of the bill of rights, but this was rejected.

<sup>4</sup> Debates in Conn. Courant, Sept. 22d ; and Journal, pp. 49–54.

<sup>5</sup> Journal, p. 67.

On Tuesday, September 15th, "the draft of the Constitution, as amended and approved when read by sections, was read through for the last time before the final question of acceptance or rejection. The Constitution was then accepted and approved by yeas and nays,—Yeas, 134 ; Nays, 61."

The names of Nathaniel Terry, Judge Mitchell, William Todd, John McClellan, and other prominent federalists, are found among the yeas ; while those of Alex. Wolcott, James Stevens, and Robert Fairchild are with the nays.

After the vote was taken, a resolution, offered by Gideon Tomlinson, was passed by the convention, directing that the engrossed copy of the Constitution should be signed by the president and countersigned by the clerks, and deposited in the office of the Secretary of the State ; that seven hundred copies should be distributed by the Secretary, to the several towns ; "and that the number required to approve and ratify said constitution, be a majority of the qualified voters present and voting" at the town meetings to be held on the first Monday in October, agreeably to the Resolution of the General Assembly by which the convention was called.

Unsuccessful attempts to amend the last clause of this resolution, were made, by motions to substitute, for the majority requisite to ratification, three-fifths,—four-sevenths,—and five-ninths, of the number of votes given.

The engrossed copy of the Constitution having been signed, by the president and clerks, and delivered to the Secretary, on Wednesday morning, September 16th, the Convention adjourned, after a session of three weeks.

Fortunately, for the best interests of the State, the Constitution now submitted to the votes of the people, was not altogether such as either federalists or republicans wished to make it. In all its more important features, it was the result of compromise between radical democracy and the conservative federalism which held to old institutions, to established order, and to the "steady habits" which had given a name and character to Connecticut. Moderate men, of all parties, were content with the work of the convention. To the republicans, generally, the overthrow of "charter government" was a triumph—even though the reforms to be effected thereby were less sweeping than they had hoped to make them. The so-called toleration

party had gained the ends at which they professed to aim, in the guaranty of perfect religious liberty and the enjoyment of "the same and equal powers, rights, and privileges" by all denominations of Christians. Jeffersonian democrats of the old school were not so well satisfied. Alexander Wolcott, as we have seen, voted against the amended draft. "The deliberations and conclusions of a majority of the convention were not such as to commend themselves to the enlarged comprehension, the progressive republican mind, and high expectations of Wolcott,"—so wrote his friend and eulogist, himself one of the most distinguished of Wolcott's successors in the leadership of his party: "The Constitution as presented, he discovered as defective, as unjust, as founded on no basis of republican equality, as avoiding in important particulars accountability and responsibility, as a mere embodiment of the charter of 1662, which, though liberal in its day, was not adapted to present circumstances and the changed condition of the country and times in 1818."<sup>6</sup>

Ratification by the people was for some time doubtful. As is always the case where a compromise is effected by mutual concessions, the proposed constitution encountered warm opposition without receiving from its friends of either party very zealous support. A federal editor, reviewing the work of the convention, expressed what appears to have been the general sentiment:

"We can say with truth, that many of the members with whom we have conversed, dislike it, and *though they voted for it, as a choice of evils*, did not consider themselves pledged to support it in town meeting."<sup>7</sup>

So many of the democrats were dissatisfied with it, that but for the help of a considerable portion of the federal party, it must have failed of ratification. The federal delegates who had voted for it in convention, nearly all supported it, in good faith, when submitted to the people, and their example and influence brought it many federal votes.<sup>8</sup>

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<sup>6</sup> Hon. John M. Niles, as quoted in Stiles's History of Windsor, p. 835.

<sup>7</sup> Conn. Courant, Sept. 22.

<sup>8</sup> The late Seth P. Beers, who was one of the last survivors of the toleration leaders of 1818, expressed to me (1862) his decided belief that Gen. Nathaniel Terry, by personal and political influence, did more than any other individual to secure a majority for ratification—and that had he opposed the constitution, it could not have escaped defeat.

On the first Monday (fifth) of October, the constitution was ratified by the freemen by a majority of 1,554, in a vote of 26,282.<sup>9</sup> By counties the vote stood as follows :

	<i>Yeas.</i>	<i>Nays.</i>
Hartford, . . . . .	2,234	2,843
New Haven, . . . . .	2,385	1,572
New London, . . . . .	1,740	792
Fairfield, . . . . .	1,836	1,019
Windham, . . . . .	1,777	1,671
Litchfield, . . . . .	2,027	2,779
Middlesex, . . . . .	1,051	786
Tolland, . . . . .	868	902
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	13,918	12,364

The four southern counties, New Haven, New London, Fairfield, and Middlesex, with a vote of 11,181, gave a majority for ratification of 2,843 ; the northern tier, Hartford, Windham, Litchfield, and Tolland, with a vote of 15,101, gave a majority of 1,289 *against* ratification.

When the votes had been counted, at the October session, the Assembly requested the governor to issue his proclamation declaring that the constitution had been duly ratified, and the Secretary was directed to cause the constitution to be engrossed on parchment and enrolled, with the State seal affixed, and deposited in his office. Governor Wolcott's proclamation was issued on the twelfth of October, and thereafter, "the Constitution of civil government for the People of the State of Connecticut, framed by a Convention and published on the fifteenth day of September last," was "to be observed by all persons whom it doth or may concern, *as the Supreme Law of this State.*"

As Abraham Bishop predicted in 1804, the "Constitution gave a death blow to Connecticut federalism"—that is, to that type of federalism which identified itself with the established order in the church, and believed, with the elder Winthrop, in "the unwarrantableness and unsafeness of referring matter of counsel or jurisdiction to the body of the people." But the

<sup>9</sup> Exclusive of the town of Burlington, which made no returns. The vote by towns is printed with the Journal of the Convention (pp. 117, 118), from the official returns.

disintegration of the old federal party had been going on for years, and much of its strength had been transferred—not directly to republicanism, but—to the cause of “toleration and reform,” before the constitution was framed. The standard bearers of that cause, in its first substantial victories, were taken from the federal ranks. The influence of the federal element in the convention made itself felt in every article of the constitution. The result, as we have seen, was not entirely satisfactory to radical republicans,—some of whom complained that this instrument was “a mere embodiment of the charter of 1662.” Federalists of the old school did not so regard it. The editor of the *Connecticut Mirror* (William L. Stone), in a review of the political situation in October, 1818, mourned for the departed glory of the State :

“Our venerable customs, usages, and laws, have been assailed with more than vandal rudeness; our form of government, under which for near two hundred years we have enjoyed privileges and blessings unknown to any other people upon earth, has been swept away, as it were by the first surge of the tempest, and we are left upon the ocean of experiment, under the direction of officers possessing, with perhaps one or two exceptions, neither skill nor capacity.”

The *Hartford Times*—which, under the editorship of John M. Niles, had been one of the most efficient promoters of the political revolution<sup>10</sup>—summing up, at the close of the year, the immediate results of the victory won by the party of constitution and reform, expressed the satisfaction which, with the before-mentioned exceptions, the republicans felt in their success :

“This charter is not only valuable for the rights which it secures, but also from the difficulties which have attended the subject, the perseverance which it discloses, and the evidence which it affords of the sure, but slow progress of light and intelligence, of liberal sentiments, and of the ultimate establishment of the empire of reason and philosophy on earth. It is the product of more than fourteen years, and during most of this period it has been like a ray of light enveloped in clouds and darkness—

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<sup>10</sup> “Mr. Niles embarked in these reformatory measures with zeal, energy, and ability; and more than any other man, perhaps, contributed to the revolution of parties which followed. To forward his views, and give them efficiency, he with the co-operation of others established the *Hartford Times*, in January, 1817, a paper that acquired an immediate local position and influence.”—Hon. Gideon Welles, communicated to Stiles’s *History of Windsor*, p. 727.

the impervious gloom of prejudice, in part the relic of former times, and partly the offspring of the juggling and delusion of political and clerical 'craftsmen.'

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"The rights of conscience are secured and established, the adulterous union of church and state dissolved, legal religion abolished, and the religion of the heart encouraged, a powerful motive to hypocrisy removed, grace left free to all 'without money and without price,' and the primitive rights of Christianity restored. A government of MEN has been superseded by a government of *laws* founded upon a Constitution; a system of customs or *steady habits*, established without the consent of the people and maintained against their will, has been discarded; distinct and independent bodies of magistracy have been constituted, their powers and duties defined, limited, and separated, and their proceedings required to be public.

"The rights of suffrage have been recognized and established upon just and liberal principles, excluding all qualifications but those of a *personal nature*; the election laws new modified, rendering the mode of voting convenient and expeditious, provisions made for a correct return and counting of the votes, the infamous 'stand-up law' repealed, the system of nomination, that wonderful invention of political empirics, whereby the same public officers were chosen twice over, abolished, and semi-annual elections, which were a great and unnecessary burden to the free-men, have been discontinued, and an annual election established.

"The sessions of the General Assembly have been reduced to one in a year, thereby saving about \$14,000 annually; the superior and county courts reorganized, and the number of judges reduced nearly one-half, which will proportionally reduce the expense. The salary of the Commissioners of the School Fund has been reduced \$500; arrangements made to place those funds which were in a very neglected and ruinous condition, in a safe situation; the duties of the treasurer and commissioner of the school fund separated and regulated; and a system of taxation, founded upon just and liberal principles, nearly perfected, and will undoubtedly be adopted at the next session. These are some of the changes which characterize the last year."













